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*This document is part of the Academic Regulations, Policies and Procedures which govern The University's academic provision. Each document has a unique document number to indicate which section of the series it belongs to.*

### **3E – ADMISSIONS POLICY FOR APPLICANTS WITH A CRIMINAL RECORD**

#### **1. SCOPE AND PURPOSE**

- 1.1 Bournemouth University's policies and procedures for the recruitment, selection and admission of students have been designed to be fair, clear and explicit. The University is committed to Equal Opportunities for both students and staff and to widening participation.
- 1.2 The aim of the admissions process is to select students who have the ability, motivation and potential to benefit from the programme of study they intend to follow and who will make a contribution to the life of the University. However, matters on a criminal record may affect an individual's ability to complete their chosen programme of study, and it is also necessary to take all reasonable steps to ensure a safe environment for members of the University community.
- 1.3 This policy is intended to define the scope of criminal matters which are "relevant" for applicants or entrants to particular courses, set the process by which such matters are declared and ensure that decisions regarding the admission of an individual with relevant criminal matters are taken in accordance with current legislation and guidance (including data protection legislation), and in a non-discriminatory manner, and that the applicant has an appropriate opportunity to be represented in the admissions process. The University recognises the confidentiality and sensitivity of information relating to criminal matters, and the importance of ensuring that individuals are not unduly restricted from pursuing higher education as a result of criminal matters on record.
- 1.4 The declaration of a relevant criminal matter is not in itself a bar to entry onto any programme within the University. The position of each offer-holder declaring a relevant criminal matter needs to be considered individually. The purpose of this policy and procedure is to determine if, based on evidence, an individual poses an unacceptable risk to the university or college community and (where relevant) whether the applicant is able to meet the particular professional or statutory requirements that exist for some programmes. Criminal matters are not relevant to the University's assessment of whether an offer-holder meets academic admissions requirements for any course.
- 1.5 On 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to be filtered out, so that they are not included in formal criminal record checks carried out by the Disclosure and Barring Service (DBS). In accordance with this legislation, in making admissions decisions where criminal matters are relevant, any filtered cautions or convictions will not be taken into account.
- 1.6 This policy applies to applicants for all university courses except for certain postgraduate courses where the admissions process is administered within individual university faculties and a decision has been taken on a risk assessment basis not to require any declaration of criminal matters. This policy sets out two distinct processes for the declaration and consideration of information about criminal matters.
- 1.7 The first process applies to individuals offered a place on a course which includes a mandatory requirement for students to undertake work placements involving them in regulated activity ("regulated professions courses"<sup>1</sup>). Regulated activity is defined in the Protection of Freedoms Act 2012 and an Enhanced DBS check can be made on any individual undertaking this

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<sup>1</sup> The current list of the University's regulated professions courses is set out in Appendix 3

activity). The University asks any individual accepting such an offer to declare any matters on their record of the type that would be identified through an Enhanced DBS check. The University then requires any individual making such a declaration to complete an Enhanced DBS check at this stage to confirm the details of any matters declared at this stage, and carries out a process to assess the implications of such matters for their suitability to undertake the course and enter the relevant profession.

- 1.8 All individuals commencing these courses are required to complete an Enhanced DBS check at a later stage prior to enrolling on their course, and any criminal record matters identified at this stage are assessed through the same process. This is necessary so that the University can assess the suitability of applicants to practice in the professional field to which the programme of study is intended to lead and to undertake work placements in the professional environment working with vulnerable people. This process is described in Part 1 of this policy. Where relevant, any criminal conviction declared by an applicant for these courses will also be assessed in terms of the risks it might present within the University environment in the same way as for other applicants to whom the process in Part 2 of this policy applies.
- 1.9 The second process is for applicants to courses other than regulated professions courses. These applicants are subject to a separate declaration requirement. The definition of matters which must be declared is narrower than for applicants to regulated professions courses ("relevant criminal conviction" as defined below in this policy). The University assesses conviction information declared by these individuals in terms of the risks the individuals might present within the University environment. This process is described in Part 2 of this policy.
- 1.10 In both the Part 1 and Part 2 processes, no declaration is required unless and until the University offers a place to the individual and they decide to accept that offer. Part 3 of this policy sets out the University's procedure for carrying out Enhanced DBS checks (and equivalent overseas checks) in relation to certain offer-holders and students. This applies to individuals holding offers to study on the University's regulated professions courses, who must obtain an Enhanced DBS check prior to enrolment in addition to declaring convictions in accordance with Part 1 of this policy.
- 1.11 In addition, some programmes may offer the opportunity of voluntary placements working in regulated activities (e.g. some Sports programmes). Students who wish to access placements of this type will normally also be subject to an Enhanced DBS check before embarking upon placement. These checks will not take place until the placement is confirmed and do not form part of the admissions or offer management process for such students where there is no requirement to complete a placement involving regulated activity (either because undertaking a placement is optional or because alternative placements are available which do not involve regulated activity). The required DBS checks will be carried out in accordance with Part 3 of this procedure.
- 1.12 University materials containing course information should always clearly identify:
  - any pre-enrolment professional suitability criteria and Enhanced DBS check requirements which apply to a particular course, so that the process in Part 1 of this policy will apply;
  - any voluntary placement options for a course which would require a student choosing those options to undergo an Enhanced DBS check after enrolment but prior to the commencement of the placement.
- 1.13 Applicants who have criminal matters on record in a country outside the UK should declare them where they are equivalent to matters they would be required to declare under this policy if they had been imposed in the UK. Where the requirement is to declare any matter which would be disclosed in an Enhanced DBS check, this includes any matter equivalent to or of the same type as a matter which would be disclosed through an Enhanced DBS check if the matter had been imposed in the UK. Section 3 of this policy sets out the requirements for an applicant who resides or has resided overseas with regard to undergoing DBS checks or equivalent checks at a later stage.
- 1.14 At all stages, all University staff should ensure that procedures are in place to restrict access to correspondence or other materials relating to an applicant's or student's criminal record on a

'need to know' basis. Staff should not access or attempt to access such information unless they know they are authorised to do so and the access is necessary for their job role.

- 1.15 If a criminal matter is declared in error (i.e. an offer-holder declares a matter which is not within the definition of matters which they are required to declare under this policy, having regard to the course for which they have applied as defined in this policy), the individual should indicate this on their Declaration Form or through otherwise contacting the Admissions Team. If an Admissions Manager is satisfied that the declaration was not required under this policy, no further steps will then be required to be taken under this policy in respect of the applicant, any Declaration Form returned by the offer-holder will be deleted and the offer-holder will be informed accordingly.

## 2. KEY RESPONSIBILITIES

Position	Role
Admissions Administrator	<ul style="list-style-type: none"> <li>• Contact relevant offer-holders to secure information using the appropriate Declaration Form in Appendix 1</li> <li>• Refer the completed Declaration Form to an Admissions Manager (if programme requires Enhanced DBS check) or the Head of Admissions (if programme does not require an Enhanced DBS check).</li> <li>• Send relevant offer-holders the procedure for completing an online DBS check.</li> </ul>
Admissions Manager	<p><i>Refers to Admissions Team Leader, Admissions Coordinator or International Admissions Manager</i></p> <ul style="list-style-type: none"> <li>• Completes Disclosure Assessment Form</li> <li>• Liaises with authorities/referees for further information on behalf of the Disclosure Panel</li> <li>• Informs applicant of the final decision</li> <li>• Acts as secretary for the Disclosure Panel.</li> </ul>
Executive Dean	<ul style="list-style-type: none"> <li>• Liaises with the Head of Admissions on individual cases.</li> <li>• Member of the Criminal Convictions Panel</li> </ul>
Deputy Dean Education and Professional Practice (HSS)	<ul style="list-style-type: none"> <li>• Chairs Disclosure Panel</li> <li>• Liaises with the Head of Admissions/Admissions Manager regarding individual cases</li> </ul>
Head of Admissions	<ul style="list-style-type: none"> <li>• Chairs Criminal Conviction Panel</li> <li>• Completes Criminal Record Assessment Form</li> <li>• Liaises with authorities/referees for further information on behalf of the Panel</li> <li>• Informs applicant of the final decision</li> <li>• Updates this policy as appropriate and in line with current Disclosure Barring Service policy and changes to legislation</li> <li>• University's DBS Lead Counter Signatory</li> <li>• Keeps up to date with developments and changes to current practice.</li> </ul>
Director of Student Services	<ul style="list-style-type: none"> <li>• University's Safeguarding lead</li> <li>• Liaises with the Head of Admissions on individual cases.</li> <li>• Member of the Criminal Convictions Panel</li> </ul>

## 3. LINKS TO OTHER BU DOCUMENTS

- [3B - Admissions Policy \(Taught Programmes\)](#)
- [3D - Fraudulent Applications Policy](#)
- [11H - Fitness to Practise: Procedure](#)

## 4. RECORDS MANAGEMENT AND DATA PROTECTION

- 4.1 Information relating to criminal record matters is treated as confidential within the University's information management processes and recognised as information subject to specific protections under the data protection legislation. Access to this information is strictly limited to those who require access for the purposes of the processes set out in this policy. Information is handled in redacted (no-names) format where possible, and the University keeps its practices under review with a view to minimising the scope of identifiable information which is processed under this policy.
- 4.2 All records and correspondence concerning an offer-holder who has a relevant criminal matter will be securely stored in a central location by the Admissions Leads, separately from other applications, or under similar secure arrangements in the relevant Administration office. If for any reason, an authorised staff member needs to remove this information from the office, they will accept responsibility for ensuring that it is securely stored until such times as it is returned to the Admissions Office (or relevant Administration office).
- 4.3 Information about the legal basis (under the data protection legislation) for processing information under this policy is set out in the [Student Recruitment & Admissions](#) and [Student Privacy Notices](#).
- 4.4 Full information about the retention of information submitted for or generated by the University's admissions process will be set out in the relevant University retention schedule. As regards criminal records information specifically:

**Information relating to applicants who accept an offer for, and then enrol on, one of our regulated professions courses:** we retain information about declarations and DBS checks made under this policy, and about any risk assessments and any Disclosure Panel process carried out in relation to information declared by you or obtained through DBS checks. We may retain this information indefinitely to meet the expectations of professional regulatory bodies acting in the public interest.

**Information relating to applicants who accept an offer for, and then enrol on, one of our courses which is not a regulated professions course:** we retain information about declarations of criminal records matters and about any risk assessments and any Criminal Convictions Panel process carried out in relation to information declared by you. We usually retain this information throughout the time that you are a student at BU and for a period of six years after you leave BU, to enable us to manage risks and account for our decisions over an appropriate period.

**Information relating to applicants who accept an offer of a place at the University but do not then enrol:** we retain any information collected or generated under this Policy for the duration of the current academic year that the application is being processed plus one year.

Whenever this type of information is retained it will be kept securely and only accessed where necessary for a purpose identified in this policy. Access to the information will be controlled by senior Admissions staff.

- 4.5 If an offer-holder whose offer is withdrawn under this policy wishes to re-apply in the following cycle, this policy will be applied in full to that application. This means that the applicant will need to undergo fresh consideration by the Disclosure Panel and/or the Criminal Convictions Panel and undergo a fresh DBS check if this is a requirement for their course. This paragraph also applies to any individual who decides not to take up an offer where a risk assessment by the Criminal Convictions Panel under Part 2 of this policy results in additional restrictions or requirements being placed on their offer.

## 5. FAIR USE OF DISCLOSURE INFORMATION

- 5.1 In addition to undergoing mandatory data protection training, staff within the University who have access to information about criminal convictions declarations for the purposes of this policy will be required to familiarise themselves with:

- The DBS Code of Practise (or other similar documents);
  - The University's processes for the handling of this information, including this policy.
- 5.2 In addition, all staff who are required to make decisions relating to declared criminal matters or information obtained through DBS checks have access to guidance in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974 via the University's DBS Lead Counter signatory (Head of Admissions).
- 5.3 Applicants or prospective applicants to regulated professions courses will be made aware through programme literature of the need for declaration under this policy and an Enhanced DBS check.
- 5.4 All offer-holders will be:
- made aware of the need for declaration under this policy when an offer is made to them;
  - advised that declaration of a relevant criminal conviction will not necessarily result in their offer being withdrawn or qualified;
  - informed of how information disclosed through declarations under this policy will be processed by the University; and
  - invited to comment on any such matters disclosed through declarations, either by letter or in person, before a final decision is taken by the University under this policy.

## **6. DECLARATIONS AND CHECKS REQUIRED**

- 6.1 Applicants for regulated professions courses:
- Declaration of all relevant criminal matters<sup>2</sup> if and when accepting an offer from the University
  - Provision of further information about the declared matter on request
  - Consideration of the declaration and relevant information by the University's Disclosure Panel, followed by decision on whether to confirm or withdraw the offer
  - Completion of Enhanced DBS check to confirm any declared information and for all students on these courses prior to enrolment on the course.
- 6.2 Applicants for courses other than regulated professions courses:
- Declaration of relevant criminal conviction<sup>3</sup> and provision of information about the conviction, if and when accepting an offer from the University
- 6.3 All students:
- Declaration of any change to the position covered by previous declarations under this policy, during the academic year and at on-line registration for a new academic year (whether the student is enrolling for the first time or as a returning student)

## **7. FAILURE TO PROVIDE ACCURATE DECLARATIONS OF CRIMINAL CONVICTIONS**

- 7.1 In any declaration they make regarding their criminal record, offer-holders and students are required to confirm that they are providing true, accurate and complete information. Failure to declare a relevant criminal matter at the appropriate stage, as required under this policy, is taken very seriously as for any other failure to provide true, accurate and complete information.
- 7.2 Where information is received indicating that there may have been a failure to make a declaration in accordance with this policy, the Head of Admissions shall be informed and shall determine reasonable steps to be taken to obtain information relevant to establishing whether there has been such a failure, including through communication with the offer-holder.

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<sup>2</sup> Guidance on what is a relevant criminal matter for these purposes is set out in Appendix 3.

<sup>3</sup> Guidance on what is a relevant criminal conviction for these purposes is set out in Appendix 4.

7.3 With regard to failure to accurately declare a relevant criminal matter by an offer-holder that has not yet enrolled at the University:

- the University reserves the right to withdraw or cancel any offer of a place already made to the applicant, subject to the application of the relevant procedures;
- if the Head of Admissions determines that there are reasonable grounds for concern that an accurate declaration has not been made, the matter will be referred to the Disclosure Panel or the Criminal Convictions Panel for consideration under Part 1 or Part 2 of this policy. Any failure to give an accurate declaration will be taken into account when assessing the risks presented by the individual within the professional and/or University environment as a consequence of a matter on their criminal record.
- The University's policy *3D - Fraudulent Applications: Procedure* will be followed where applicable.

7.4 Where a failure to accurately declare a relevant conviction or complete DBS checks in accordance with this policy is only identified after a student has enrolled, this will be considered under the Student Disciplinary Procedure or the Fitness to Practise Procedure as appropriate for the programme involved.

## 8. CONVICTIONS RECEIVED AFTER A DECLARATION HAS BEEN MADE

8.1 This paragraph applies where:

- an offer-holder receives a criminal finding or outcome which they would have been required to declare under this policy if it had already been imposed at the time they were making the relevant declaration; and
- this matter is received prior to their first enrolment at the University but after they have completed the relevant declaration provided for in this policy.

In these circumstances the offer-holder must notify the University straight away. The University will then follow the procedures as outlined in this policy, as appropriate.

8.2 This paragraph applies where an enrolled student of the University receives a criminal finding or outcome which they would have been required to declare under this policy if it had already been imposed at the time they were making the relevant declaration. The student must notify the University straight away. In addition, during annual enrolment/re-enrolment processes students will be required to complete a declaration as to whether their position with regard to relevant criminal matters has changed since their last declaration. Any matters notified or declared by students under this paragraph will be considered under the Student Disciplinary Procedure or the Fitness to Practise Procedure as appropriate.

## PART ONE: DECLARATION AND CHECKING PROCEDURES: REGULATED PROFESSIONS COURSES

### 9. DECLARATION REQUIREMENTS

9.1 All applications to which this Policy applies will be considered initially with regard to academic qualifications, potential and motivational merit. If an applicant does not meet these admissions criteria, the application will be rejected in the normal way. No declaration of criminal matters or associated information will be requested or considered until the University has decided to issue an offer to the applicant on the basis of the standard admissions criteria for the relevant course and the applicant has decided to accept that offer.

9.2 When the offer is communicated to the applicant, they will be informed that **if and when they accept the offer**, they will need to complete a relevant criminal matters declaration and provide information on any declared matter through the University's admissions portal. They will be provided with instructions on how to complete the declaration, access to guidance on what must be declared and a link to this policy. This will include providing the applicants with access to the appropriate Declaration Form (see Appendix 1A).

9.3 The declaration requirements for these applicants are determined by mandatory course requirements. These mean that students on regulated professions courses undertake work

placements in the professional environment which include “regulated activity” (working with vulnerable people) as defined in the legislation relating to DBS checks. Before applicants can be accepted onto such courses, the University must assess their suitability to work in these environments and for entry to the relevant regulated profession. This assessment of suitability is relied on by the professional bodies regulating the professions and by the organisations in which placements take place. Declaration of relevant criminal matters is required to enable this assessment to be undertaken.

- 9.4 The processing of information about criminal convictions and associated matters for these purposes is exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that applicants are asked to declare any matter which would be included on an Enhanced DBS check.
- 9.5 In this context, applicants for regulated professions courses who accept an offer of a place are required to disclose any of the following matters which would not be filtered from an Enhanced DBS check if they were imposed within the UK:
- unspent convictions;
  - convictions which would normally be “spent” under the UK Rehabilitation of Offenders Act 1974 (or any equivalent law from a country outside the UK);
  - any caution, reprimand or warning which is recorded on the Police National Computer (i.e. which relates to an offence for which a sentence of imprisonment could have been imposed or which is specified in the Schedule to the National Police Records (Recordable Offences) Regulations 2000).

This includes any conviction, caution, warning or reprimand issued in a country outside the UK which is equivalent to the matters listed above.

- 9.6 Guidance on when matters are filtered from an Enhanced DBS check can be found on the Disclosure and Barring Service website at: [www.gov.uk/government/collections/dbs-filtering-guidance](http://www.gov.uk/government/collections/dbs-filtering-guidance) and on the Unlock charity website at: <http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>
- 9.7 The University will maintain an up to date list of regulated professions courses for which this declaration will be required, and this will be included in guidance made available to applicants.
- 9.8 The declaration of a criminal matter listed above will not in itself constitute an automatic bar to entry onto the programme/grounds for withdrawal of an offer. The matter will be considered with other relevant factors on the basis set out in this policy in order to determine the applicant’s suitability to work in the regulated professional environment.
- 9.9 For certain postgraduate continuing professional development courses the University does not require individuals to make any declaration of criminal record matters when accepting the offer of a place. This policy is based on a risk assessment having regard to the nature and scope of these courses and the fact that applicants will already be practising in professional roles which are subject to regulation and/or safeguarding controls, including periodic DBS checks. These applications are not covered by this policy save for those referred to in paragraph 9.10.
- 9.10 Individuals taking part in continuing professional development courses in non-medical prescribing which are approved by health professions regulatory bodies are required to complete criminal matters checks as follows:
- Applicants and their employers will be required to confirm during the application process that the employer has seen an Enhanced DBS check certificate in relation to the individual dated within the last three years; and
  - On completion of the course, individuals are required to declare any changes to their criminal records status since that certificate was issued.

These checks are required because the completion of these courses could lead to changes in the registration status of the individuals with their professional bodies. On behalf of the

professional bodies the University is required to consider the suitability of the individuals for the change in their professional status

## **10. DECLARATION PROCESS**

- 10.1 Applicants to regulated professions courses who apply through UCAS are asked by UCAS to complete a relevant criminal matters declaration on the UCAS application form. However the University does not consider or take any account of this declaration until it has offered a place to the applicant and this has been accepted.
- 10.2 Applicants will not be asked by the University to provide any information about matters on their criminal matters unless and until the University has offered the applicant a place, and the applicant has accepted that offer. The University reserves the right to withdraw any offer of a place on a regulated professions course if the Disclosure Panel determines that this is appropriate as provided for in section 11 of this policy.
- 10.3 When an offer-holder accepts an offer, they will be given access to the University guidance on the criminal matters which need to be declared and asked to declare whether or not they have any such matters on their record using the appropriate Declaration Form (see Appendix 1A). The offer-holder will be required to complete this declaration before they are able to enrol on the course.
- 10.4 On receipt of any declaration that an offer-holder has one or more such matters on record, the Admissions team will liaise with the offer-holder to carry out an Enhanced DBS check (or equivalent as identified in section 3 of this policy) to confirm the matters which appear on the offer-holder's record.
- 10.5 Following the Enhanced DBS check, if in fact no relevant matters are shown on the Enhanced DBS certificate (i.e. the offer-holder declared matters in error/on the basis of a mistaken understanding of what would appear on the certificate), no further action will be taken and the offer-holder's offer and acceptance of the offer will be confirmed.
- 10.6 Where the Enhanced DBS certificate shows any matters which offer-holders on regulated professions courses are required to declare (whether or not these are the same as the matters declared by the offer-holder under paragraph 10.4), the Admissions Administrator will contact them to seek more information on the conviction as required, using the appropriate Declaration Form (see Appendix 1A).
- 10.7 Once the form has been completed and returned, unless the matter was declared in error a risk assessment will be carried out as described in section 11 below, and the matter may be referred to a Disclosure Panel under section 12 depending on the outcome of the risk assessment.

## **11. DISCLOSURE ASSESSMENT**

- 11.1 An Admissions Manager will liaise with the offer-holder and with authorities, referees or other parties in order to gather information relevant to risk assessment of the offer-holder's criminal record. As part of this process the offer-holder will be given an appropriate opportunity to provide information and comments on their suitability for entry to the course/profession, and to identify any third parties who may be willing and able to provide relevant information
- 11.2 The Admissions Team will consider information obtained under section 10 and paragraph 11.1 and will then carry out a disclosure assessment using the form in Appendix 2A.
- 11.3 If the outcome of the assessment is a low risk rating, the Admissions Team will inform the offer-holder that their place is confirmed.
- 11.4 If the outcome of the assessment is a medium or high risk rating, the matter will be referred to the Disclosure Panel for consideration under section 12.



## 12. DISCLOSURE PANEL

12.1 Membership of the Panel shall be as follows:

- A Deputy Dean or Associate Dean, or equivalent (or nominee)
- Admissions Tutors or representatives from each regulated programme/subject area to be considered by the Panel. Such individuals must have an appropriate understanding of the relevant professional and regulatory requirements.

Admissions Team Leader

At the discretion of the Panel, additional people may be invited to attend the Panel hearing to provide relevant information relating to the Panel's decision. Administrative support for the Panel will be provided by a member of the Admissions team.

12.2 The Panel shall meet to consider:

- all offer-holders who were shown to have a relevant criminal matter on record following an Enhanced DBS check carried out after a declaration in section 10, unless the matter has been determined to be low risk under section 11.3;
- any offer holders for whom the outcome of a later DBS check prior to enrolment (see section below) shows a significant discrepancy compared to a declaration or disclosure made at an earlier stage in accordance with this policy;
- any offer holders where there are other reasonable grounds for concern that their declaration made under the process above was inaccurate or incomplete;
- any offer-holder who are unable to provide an overseas police check (if required in place of or in addition to an Enhanced DBS check). The Panel will consider the available information and the reasons why a police check cannot be provided and reach a decision as to any risks arising from offering or confirming a place to the offer-holder and whether these can be appropriately managed within the University and as to whether the offer-holder can be said to meet any relevant professional suitability requirements.

12.3 The function of the Panel in relation to regulated professions courses is to determine whether an offer-holder is suitable to undertake the mandatory work placement activities within the framework of the regulated profession.

12.4 Information obtained under section 10 and paragraph 11.1 of this Policy will be made available to the Panel.

12.5 The Panel will consider information relating to an application and a conviction on a redacted "no names" basis. The Admissions team will carry out redaction of material being put to the Panel for consideration.

12.6 In making its determinations the Panel will consider the following factors:

- Any information clearly indicating that the offer-holder presents or may present an on-going risk to the safety or wellbeing of individuals with whom students come into contact during work placements on the relevant course or is otherwise unlikely to be able to meet the profession's requirements and standards during that activity;
- The overall offer-holder profile together with the following information:
  - The seriousness of the offence and its relevance to the safety of staff, students and individuals in the regulated (work placement) environment;
  - The length of time that has elapsed since the offence. Where an offer-holder has been convicted of a serious offence, they will not usually be offered a place unless the date on which the offer-holder would commence the course would be a minimum of five years since the date of the offence with no further criminal matters being imposed during that period. However each case is considered on an individual basis;
  - Any relevant information offered by the offer-holder about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties;
  - Whether the offence was a one-off, or part of a history of offending;
  - Whether the offer-holder's circumstances have changed since the offence was committed, making re-offending less likely;

- The country in which the offence was committed; some activities are offences in Scotland and not in England and Wales and vice versa;
  - The offer-holder's ability to reflect on the alleged offence and their motivation to change;
  - Professional or statutory body requirements, including any requirements as to honesty and integrity;
  - Whether the offence has since been decriminalised by Parliament;
  - Any failure by the offer-holder to declare the conviction at an earlier stage in accordance with this policy.
- 12.7 When the Disclosure Panel considers an offer-holder and their criminal record, it will reach one of the following decisions based on the information available to it:
- They are satisfied that the offer-holder does not present an on-going risk to individuals within the work placement environment and is suitable to work in that environment. Where this is the decision, the Admissions team will contact the offer-holder to confirm the offer and that the declared conviction will not be further considered; or
  - They are satisfied that the offer-holder presents an on-going risk to individuals within the work placement environment or is otherwise not currently suitable to work in that environment. Where this is the decision, the Admissions team will contact the offer-holder to withdraw their offer and confirm the period set by the Panel for any re-application.
- 12.8 Where the Disclosure Panel decides under the first bullet point of paragraph 12.7 that the offer-holder's offer can be confirmed, the Panel shall also:
- identify whether the conviction declared by the offer-holder would be a relevant conviction under paragraph 13.3 below;
  - if so, carry out a risk assessment in accordance with paragraph 14.2 and reach one of the determinations listed in the third bullet point of paragraph 14.2.
- 12.9 Where the Disclosure Panel specifies that an offer should be withdrawn, it will also make a recommendation as to any time period after which an offer-holder may wish to consider re-applying to the University for the same course, i.e. any point at which the offer-holder's chances of success are likely to change if no further relevant convictions are acquired during that period. Any such timeframe will be stated to the applicant by the Admissions team.
- 12.10 Where the Disclosure Panel confirms an offer-holder's offer, information about their declared matter and the Disclosure Panel process shall be kept confidential and not further disclosed within the University other than for the purposes specified within this paragraph 12, save for any exceptional circumstances where the information is deemed relevant to any conduct or safeguarding or regulatory issue which arises at a later date in respect of the individual. It is necessary to retain such information indefinitely to enable the University to meet its on-going duties with regard to risk assessment and the professional suitability of individuals who are undertaking or have undertaken regulated professions courses. This includes obligations to disclose information on request to professional regulatory bodies.

## **PART TWO: DECLARATION AND CHECKING PROCEDURES: UNREGULATED COURSES**

### **13. DECLARATION REQUIREMENTS AND PROCESS**

- 13.1 All applications should be considered initially with regard to academic qualifications, potential and motivational merit. If an applicant does not meet these admissions criteria, the application will be rejected in the normal way. No declaration of criminal convictions or associated information will be requested or considered until the University has decided to issue an offer to the applicant on the basis of the standard admissions criteria for the relevant course and the applicant has decided to accept that offer.
- 13.2 When the offer is communicated to the applicant, they will be informed that **if and when they accept the offer**, they will need to complete a relevant criminal convictions declaration and provide information on any declared conviction through the University's admissions portal. They will be provided with instructions on how to complete the declaration, access to guidance on what must be declared and a link to this policy. This will include providing the applicants with access to the appropriate Declaration Form (see Appendix 1B).

13.3 For these offer-holders, “relevant criminal conviction” means any unspent criminal conviction for an offence within the following categories:

- Offences concerned with violent or threatening behaviour or the causing of physical or mental harm to others, whether or not such harm was intended or actually caused;
- Sexual offences, including those listed in the Sexual Offences Act 2003
- Offences concerned with harassment, stalking or malicious communications
- Unlawful supply of controlled drugs or substances, including trafficking offences
- Offences involving firearms
- Any “hate crime” as defined by the Crown Prosecution Service<sup>4</sup> and equivalent offences or findings in other jurisdictions
- Arson
- Offences involving terrorism
- An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour), or any equivalent offence in another jurisdiction

Offer-holders should not be asked to provide information about any other criminal conviction or matter.

13.4 Once returned, the Declaration Form is sent to the Head of Admissions for review. If the form is not returned within 4 weeks (and the offer-holder does not respond to any correspondence within those 4 weeks), the offer to the applicant will be withdrawn (if not yet accepted) or rejected (if already accepted).

13.5 The Head of Admissions will complete the Criminal Record Assessment Form (Appendix 2B). If the risk is considered ‘low’, the Head of Admissions informs the administrator and the applicant will be informed that no further action is required and their acceptance of the offer is confirmed. If the risk is not considered to be low, the matter will be referred to a formal Criminal Convictions Panel, convened by the Head of Admissions in accordance with paragraph 14.

#### **14. CRIMINAL CONVICTIONS PANEL**

14.1 The Criminal Convictions Panel will consist of:

- Head of Admissions,
- Director of Student Services
- Executive Dean of faculty other than that to which the application applies

14.2 The function of the Criminal Convictions Panel is to:

- Identify any risks which may arise from the declared conviction within the University environment, with respect to the offer-holder and/or others, applying the Panel’s agreed risk;
- Assess the extent of those risks and the extent to which they can be appropriately managed within the University environment (including risks arising in the context of the offer-holder taking up University accommodation);
- Reach one of the following decisions:
  - The offer is confirmed without any restrictions or risk management arrangements in place
  - The offer is confirmed subject to certain restrictions or risk management arrangements being attached to the offer
  - The offer is cancelled/withdrawn on the basis that the conviction presents or is likely to present one or more risks that cannot appropriately be managed within the University environment.

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<sup>4</sup> <https://www.cps.gov.uk/hate-crime:an> offence which the convicting court found to be aggravated by reference to race, religion, disability, sexual orientation or transgender identity. This includes the offences in sections 29-32 of the Crime and Disorder Act 1998 and any offence which the court found to be aggravated under sections 145 or 146 of the Criminal Justice Act 2003,

The Panel will consider information relating to an application and a conviction on a redacted “no names” basis. The Admissions team will carry out redaction of material being put to the Panel for consideration. The Panel will consider factors identified through Appendix 1A/1B and Appendix 2B and any other agreed risk assessment framework or matrix.

- 14.3 Head of Admissions will liaise with the offer-holder, authorities, referees or other parties on behalf of the Panel in order to gather information relevant to the Panel’s decision-making. As part of this process the applicant will be given an appropriate opportunity to provide information and comments to the Panel and to identify any third parties who may be willing and able to provide relevant information. The Head of Admissions will usually seek comments from the offer-holder on potential restrictions or risk management arrangements which may be imposed on an offer by the Panel under paragraph 14.2.
- 14.4 The Head of Admissions will share with the Panel the completed Criminal Record Assessment Form (Appendix 2B) and information gathered under paragraph 14.3.
- 14.5 The restrictions or risk management arrangements which may be attached to an offer may include a decision that the offer-holder will not be permitted to book University accommodation or restrictions on access to particular facilities, services or study arrangements within the University.
- 14.6 Once a decision is reached, the Head of Admissions will act on the decision, including communicating it to the offer-holder. The University will identify any risk management arrangements which it will require to be put in place if the offer-holder enrolls at the University, and the offer-holder will then determine whether they wish to confirm their acceptance of the offer on this basis. If the offer-holder confirms their acceptance, the Director of Student Services will be responsible for managing the risk management arrangements while the student is at the University, and this may include monitoring compliance with requirement arrangements and reviewing the continued need for the arrangements.
- 14.7 Information about the declared conviction and the Panel’s decision may be shared within the University and with third party accommodation providers only as necessary to enable any risk arrangements imposed by the Panel to be applied and monitored. Only the minimum amount of information required for these purposes will be shared.

### **PART THREE: DBS CHECKS**

#### **15. DBS CHECKS BY THE UNIVERSITY GENERALLY**

- 15.1 This part applies to:
  - any individual who has accepted an offer from the University of a place on a regulated professions course.
  - any student on another course who wishes to undertake an optional work placement which involves regulated activity for which an Enhanced DBS check is required.
- 15.2 The University uses the services of an external provider to carry out DBS checks as required by this policy (“the DBS contractor”).

#### **16. DBS CHECKS IN RELATION TO REGULATED PROFESSIONS COURSES**

- 16.1 As described in Part 1 of this policy, any offer-holder who declares a relevant criminal matter when accepting their offer will be required to complete an Enhanced DBS check to confirm their declaration.

#### 16.2

In addition, all individuals entering these courses are required to undergo an Enhanced DBS check once an offer has been made and firmly accepted and before enrolling on the course. Individuals should commence the DBS check process as soon as possible after accepting their offer, to make it more likely that the check will be completed, and the University will be able make any decisions required under this policy, within a reasonable period prior to the start of

the course. These checks are normally carried out during the period in May to August prior to commencement of courses in September of each academic year, and should usually only be commenced later where an offer has been made through the clearing process or there are exceptional circumstances affecting the offer-holder's ability to commence the process. As a minimum, before enrolling on the course these individuals must have commenced the DBS check process (i.e. submitted to the DBS a request for the check to be undertaken) and had their identification documents verified. If this is not done, the University may not allow the individual to enrol.

- 16.3 In either case, the offer-holder is responsible for commencing the DBS checking process. The offer-holder will be advised by the University or the DBS contractor of the process for undertaking an Enhanced DBS check through the DBS contractor and given further information about the process. When the check is complete, the DBS will issue the offer-holder with one original Enhanced DBS disclosure certificate. The DBS contractor will provide the University with the certificate number and the date and the individual's record will be updated accordingly. The certificate will not be copied or stored unless paragraph 16.4 applies.
- 16.4 The DBS contractor will inform the University if any matters are shown on the DBS certificate. Where this is the case, the University will ask the individual to provide a copy of the certificate and this will be uploaded to the applicant's file within the University's records. This enables the University to ascertain whether or how the information on the certificate differs from the declaration previously made by the individual and any associated information provided under this policy.
- 16.5 In the case of a DBS check carried out to confirm a declared relevant criminal matter as provided for in Part 1 of this policy, the process for considering the outcome of that check is set out in sections 9 to 12 above.
- 16.6 In the case of a later pre-enrolment DBS check, if there is a discrepancy between the content of the DBS certificate and the earlier negative declaration made earlier by the individual under this policy an Admissions Lead shall make appropriate enquiries. The individual will be asked to complete the Declaration Form (Appendix 1(a)) and the Admissions Lead shall seek information from any third party referees identified on the form. Unless the Admissions Lead is satisfied that the discrepancy is not significant and either results from a genuine error or misjudgement in good faith regarding the declaration requirements, the offer-holder will be referred to the Disclosure Panel which shall consider the case as provided for in paragraph 12.2 above. The supporting documentation showing the decision making process regarding the confirmation or withdrawal of a place will be held on the applicant's file.
- 16.7 If the content of the pre-enrolment DBS certificate is consistent with the negative declaration made when accepting the offer, a note of this will be made in the file records and no further action will be taken.
- 16.8 DBS checks cannot be carried out for offer-holders and students who are not, and have never been, resident in the UK. Offer-holders and students who reside, or have previously resided, overseas who would normally be required to undergo a DBS check under this policy (whether following a declaration of a criminal matter when accepting an offer or as a pre-enrolment check) will be required to provide a police check from their country of residence which will be treated in accordance with the processes outlined for DBS checks. Where an individual has resided both in the UK and in another country, they may be required to provide both a DBS check and a police check from the other country of residence.
- 16.9 Where an overseas police check cannot be provided, an offer-holder should explain the reason for this. In these circumstances the offer-holder may submit an alternative certification of good character from the relevant country and their position will be considered by the Disclosure Panel under paragraph 12.2 above.

## **17. OTHER DBS CHECKS**

- 17.1 This paragraph applies to any student undertaking a programme of study that does not require an Enhanced DBS check to be undertaken for the purposes of mandatory work placements but

who wishes to undertake a voluntary placement involving regulated activity for which an Enhanced DBS check is required, They will be advised by the University or the DBS contractor of the process for undertaking an Enhanced DBS check through the DBS contractor and given further information about the process.

- 17.2 The DBS will issue the offer-holder with one original disclosure certificate. The DBS contractor will provide the University with the certificate number and the date and this information will be recorded on the individual's record within the University's systems. The certificate will not be copied or stored unless paragraph 17.3 applies.
- 17.3 The DBS contractor will inform the University if any matters are shown on the DBS certificate. Where this is the case, the University will ask the individual to provide a copy of the certificate and this will be uploaded to the applicant's file within the University's records.
- 17.4 Where the DBS check on a student for these purposes discloses convictions, cautions or other matters, this may affect the student's ability to undertake their chosen placement as some placement providers may not accept students with certain convictions or other matters disclosed through an Enhanced DBS check. The University will discuss with the student the likely impact of the matters disclosed through the DBS check on their ability to undertake placements and will seek to agree with the student the further actions to be taken at this stage, for example whether the student will change their choice of work placement or whether the University will enter into discussion with a placement provider as to whether they will accept the student onto their placement notwithstanding the matters disclosed through the DBS check.
- 17.5 The disclosure of matters through a DBS check for the purposes of a voluntary work placement will not normally impact on the student's position within the University with regard to completion of their course. However if the results of the DBS check indicate that the student has previously failed to comply with relevant declaration requirements under this policy, paragraph 7.5 or 8.2 (as appropriate) will apply.

## **PART FOUR: GENERAL**

### **18. REFERENCES AND FURTHER INFORMATION**

- 18.1 UCAS Guide to Applicants and Higher Education Providers.
- 18.2 NACRO ([www.nacro.org.uk](http://www.nacro.org.uk)): a charity providing support with resettlement and rehabilitation following criminal convictions.
- 18.3 Unlock ([www.unlock.org.uk](http://www.unlock.org.uk)): a charity providing trusted information, advice and advocacy for people with criminal convictions.
- 18.4 Supporting Professionalism in Admissions, Good Practice Guides [www.spa.ac.uk](http://www.spa.ac.uk)
- 18.5 Disclosure and Barring Service: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- 18.6 DBS Code of Practice: <https://www.gov.uk/government/publications/dbs-code-of-practice>
- 18.7 Protection of Freedoms Act 2012.
- 18.8 Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

<b>GLOSSARY</b>	
DBS – Disclosure and Barring Service	The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

Filtering	Legislation provides that certain old and minor cautions and convictions will no longer be subject to disclosure, and can no longer be taken into consideration when making recruitment decisions. The process of excluding the above from a DBS certificate is called 'filtering'.
Enhanced DBS check	The process of checking an individual's police records to issue an Enhanced DBS Certificate. This certificate will show spent and unspent convictions, any other matters recorded on the police national computer (cautions, reprimands and warnings in relation to certain categories of offence), plus any additional information held by local police that's reasonably considered relevant to the regulated activity which will be undertaken.

## APPENDIX 1A

### Declaration Form (for courses leading to a regulated profession)

This form should be completed by offer-holders for a course leading to a regulated profession who have declared a relevant criminal matter when accepting their offer.

**Step one** Read our [declaration guide](#) which explains what information you need to provide and why we need this information.

**Step two** Complete the form providing all relevant details (sections one and two are mandatory).

**Step three** Upload the completed form to your myHub application within 7 days from receipt of the email.

Full Name:

Student ID:

Course for which  
offer received:

Please place an X in this box if you do **NOT** have a relevant criminal matter and you declared this by mistake:

The information you provide on this form (including any special category personal data) will be used and retained by Bournemouth University for the purpose of assessing your application, as described in our [3E: Admissions Policy for Applicants with a Criminal Record](#) and our [Student Recruitment & Admissions Privacy Notice](#).

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**Section one**

<b>Date of offence</b>	<b>Nature of offence</b>	<b>Sentence or fine imposed</b>	<b>Date of conviction/caution</b>	<b>Description of events surrounding the incident(s) with any further comments you may wish to add</b>

## Section two

In order to assess whether we can confirm your offer of a place, we would like to discuss the background of your “relevant criminal matters” with a third party. This will be a probation officer or social worker assigned to you or any other third party who could provide information relevant to our assessment.

Please provide the full name, position and contact details below. You may find it helpful to read our [3E: Admissions Policy for Applicants with a Criminal Record](#) to understand the type of information likely to be relevant when we are considering your declared conviction/caution.

Full name of referee:
Position:
Email address:
Telephone number:

## Section three

Please use this box to provide any other information you think may be relevant to our assessment.

--

Please place an X in this box confirming all information supplied is true, accurate and complete.

## APPENDIX 1B

### Declaration Form

This form should be completed by offer-holders declaring a relevant criminal conviction.

**Step one** Read our [declaration guide](#) which explains what information you need to provide and why we need this information.

**Step two** Complete the form providing all relevant details (sections one and two are mandatory).

**Step three** Upload the completed form to your myHub application within 7 days from receipt of the email.

Full Name:

Student ID:

Course for which  
offer received:

Place an X in this box if you do **NOT** have a relevant criminal conviction and you declared this by mistake:

The information you provide on this form (including any special category personal data) will be used and retained by Bournemouth University for the purpose of assessing your application, as described in our [3E: Admissions Policy for Applicants with a Criminal Record](#) and our [Student Recruitment & Admissions Privacy Notice](#).

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**Section one**

<b>Date of offence</b>	<b>Nature of offence</b>	<b>Sentence or fine imposed</b>	<b>Date of conviction</b>	<b>Description of events surrounding the incident(s) with any further comments you may wish to add</b>

## Section two

In order to determine whether we can confirm your offer of a place, we would like to discuss the background of your “relevant criminal conviction(s)” with a third party. This will be a probation officer or social worker assigned to you or any other third party who could provide information relevant to our assessment.

Please provide the full name, position and contact details below. You may find it helpful to read our [3E: Admissions Policy for Applicants with a Criminal Record](#) to understand the type of information likely to be relevant when we are considering your declared conviction.

Full name of referee:
Position:
Email address:
Telephone number:

## Section three

Please use this box to provide any other information you think may be relevant to our assessment.

--

Please place an X in this box confirming all information supplied is true, accurate and complete.

## APPENDIX 2A

### Disclosure Assessment Form

This form should be used to identify risk to the safety of individuals within the regulated professional environment where an applicant has applied for a regulated course.

**Case #:**

**Course applied for:**

**What was the sentence?**

(Eg, custodial, suspended, warning)

High
Medium
Low

Custodial = High  
Suspended, Community, Conditional Discharge = Medium  
Warning, Caution, Reprimand, Fine, Absolute Discharge = Low

**How serious is the offence?**

High
Medium
Low

Very serious = High  
Moderate = Medium  
Mild = Low

**Does the nature of the offence indicate a potential risk to the safety of individuals within the regulated professional environment?**

High
Low

Yes = High  
No = Low

**Is the offence of a type and level potentially relevant to professional body/regulatory requirements (including general requirements as to honesty and integrity) and the individual's suitability for entry to the profession?**

High
Low

Yes = High  
No = Low

**How much time has elapsed since the offence?**

High
Medium
Low

Under 1 year = High  
1 year to 5 years = Medium  
5 years or more = Low

**Has the offer-holder's circumstances changed since the offence was committed, making re-offending less likely?**

High
Medium
Low

Yes = Low  
Somewhat = Medium  
No = High

**Is there a pattern of specific offences?**

High
Medium
Low

Yes = High  
Some instances = Medium  
No = Low

**Is there evidence of a risk of reoffending?**  
Does any official documentation provided indicate a risk of reoffending? Is there any other evidence of behaviour of reoffending?

High Medium Low
-----------------------

Significant evidence = High  
Some evidence = Medium  
Little or no evidence = Low

**Does the applicant offer any mitigating circumstances?**  
For example, the influence of domestic or financial difficulties.

High Medium Low
-----------------------

Yes = Low  
Some = Medium  
No = High

**How does the referee rate the applicant's suitability for attendance and participation in the HE community?**

High Medium Low
-----------------------

Referee declares applicant unsuitable = High  
Referees share some reservations = Medium  
Referees declare applicant suitable = Low

**Referee details**

Comments:	
Position:	
Date consulted:	

**Did the offer-holder disclose past convictions/cautions as required when accepting their offer?**  
If no, did mitigating circumstances prevent applicant from declaring?

Yes/No	Details of mitigating circumstances (if no):
--------	----------------------------------------------

**Risk Assessment**

0
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If there are any risks considered as 'High' or if there are 2 or more risks considered as 'Medium', refer case to Panel.

0
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Otherwise, risk is considered 'low' and application processing can continue.

0
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## APPENDIX 2B

### Criminal Record Assessment Form

This form should be used to identify any risks which may arise from a declared conviction within the University environment where an applicant has applied for an unregulated course.

**Case #:**

**Course applied for:**

**What was the sentence?**

(Eg, custodial, suspended, warning)

High
Medium
Low

Custodial = High  
Suspended, Community, Conditional Discharge = Medium  
Warning, Caution, Reprimand, Fine, Absolute Discharge = Low

**How serious is the offence and how relevant is it generally to the safety of staff, students and others?**

High
Medium
Low

Very serious = High  
Moderate = Medium  
Mild = Low"

**Does the offence indicate any particular risks may arise in any part of the university or course environment, e.g. accommodation, group working, working with equipment or work placements?**

High
Low

Yes = High  
No = Low

**How much time has elapsed since the offence?**

High
Medium
Low

Under 1 year = High  
1 year to 5 years = Medium  
5 years or more = Low

**Has the offer-holder's circumstances changed since the offence was committed, making re-offending less likely?**

High
Medium
Low

Yes = Low  
Somewhat = Medium  
No = High

**Is/was there a pattern of offending?**

High
Medium
Low

Yes = High  
Some instances = Medium  
No = Low

**Is there evidence of a risk of reoffending?**

Does any official documentation provided indicate a risk of reoffending? Is there any other evidence of behaviour of reoffending?

High
Medium
Low

Significant evidence = High  
Some evidence = Medium  
Little or no evidence = Low



**Does the applicant offer any mitigating circumstances?**

For example, the influence of domestic or financial difficulties.

High Medium Low
-----------------------

Yes = Low  
Some = Medium  
No = High

**How does the referee rate the applicant's suitability for attendance and participation in the HE community?**

High Medium Low
-----------------------

Referee declares applicant unsuitable = High  
Referees share some reservations = Medium  
Referees declare applicant suitable = Low

**Referee details**

Comments:	
Position:	
Date consulted:	

**Did the offer-holder disclose past convictions/cautions as required when accepting their offer?**

If no, did mitigating circumstances prevent applicant from declaring?

Yes/No	Details of mitigating circumstances (if no):
--------	----------------------------------------------

**Risk Assessment**

0
---

If there are any risks considered as 'High' or if there are 2 or more risks considered as 'Medium', refer case to Panel.

0
---

Otherwise, risk is considered 'low' and application processing can continue.

0
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## APPENDIX 3

### Declaring Relevant Criminal Matters: Health & Social Care Professional Courses

This document provides information and guidance about declaring matters on your criminal record to BU where you are accepting an offer of a place on certain courses which are intended to qualify you for entry to regulated health and social care professions (“regulated professions courses”).

Inclusivity is a key aim for BU and we expect our students to represent a wide range of backgrounds and perspectives. Criminal matters or convictions on your record do not represent an automatic bar to entry to BU courses, and every year we give places on our courses to people who have criminal matters which are shown on an Enhanced DBS check. However to accept you onto a regulated professions course we need to be satisfied of your suitability to undertake the course, including work placements in a regulated environment, and to enter the regulated profession if you complete the course. For this reason we need to know if an Enhanced DBS check will show matters on your record, and find out more about that matter.

#### A. Does this guidance apply to me?

This guidance only applies if you have applied to BU to undertake any of the following courses and have been offered a place on the course:

Course Title	Award
Adult Nursing/Adult Nursing (Advanced Standing)	BSc (Hons)
Adult Nursing/Adult Nursing (With professional registration)	MSc
Children's and Young People's Nursing/Children's & Young People's Nursing (Advanced Standing)	BSc (Hons)
Mental Health Nursing/ Mental Health Nursing (Advanced Standing)	BSc (Hons)
Mental Health Nursing/ Mental Health Nursing (With professional registration)	MSc
Midwifery	BSc (Hons)
Occupational Therapy	BSc (Hons)
Operating Department Practice	BSc (Hons)
Paramedic Science	BSc (Hons)
Physician Associate Studies	PgDip
Physician Associate Studies	MSc
Physiotherapy	BSc (Hons)

Social Work	BA (Hons)
Social Work	MA
Social Work (Children and Families)	PGDip
Sports Therapy	BSc (Hons)

## B. What do I need to do?

If BU has offered you a place on one of these courses, we now need to ask you to make a declaration of relevant criminal matters. If you declare a matter of the type set out below, you will also need to provide further information about it for the purposes explained in this guidance.

You need to declare **any criminal conviction, caution, reprimand or warning which would be included on (and not filtered from) an Enhanced UK Disclosure and Barring Service Certificate** if they were imposed within the UK. This includes:

- unspent convictions;
- convictions which would normally be “spent” under the UK Rehabilitation of Offenders Act 1974 (or any equivalent law from a country outside the UK);
- any spent or unspent caution, reprimand or warning which is recorded on the Police National Computer (i.e. which relates to an offence for which a sentence of imprisonment could have been imposed or which is specified in the Schedule to the National Police Records (Recordable Offences) Regulations 2000).

**You do not need to declare any matters in these categories which would be “filtered” from the UK Disclosure and Barring Service conviction checks.** Further guidance on which matters would be filtered can be found here (external link): <http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>

“Reprimand or warning” means a reprimand or warning given to a youth offender under section 65 of the Crime and Disorder Act 1998. Caution includes a conditional caution and a youth caution.

If you are from the UK but uncertain as to whether a matter would be disclosed on an Enhanced DBS Certificate, you can find this out by making a “subject access request” under the data protection legislation to your local police force.

You should declare any conviction, caution, warning or reprimand issued in a country outside the UK which is equivalent to the matters listed above.

## C. Why do we ask for this information?

Declaring a criminal matter:

- Does not affect our assessment of your ability to meet academic requirements for admission to our courses: we take our decision on this, and offer you a place, before we ask for any information about criminal matters;
- Is not usually an automatic bar to you joining the course, i.e. declaring a relevant criminal matter does not necessarily mean that BU will withdraw its offer of a place.

Inclusivity is a key aim for BU and we expect our students to represent a wide range of backgrounds and perspectives. Every year we give places on our courses to people who have criminal matters which are shown on an Enhanced DBS check. However we have to ask for information about criminal matters for the following reasons:

- (a) **To determine your suitability to work in the professional environment.** We need to decide whether you would be able to undertake mandatory work placements as part of your course. These take place within the regulated professional environment and bring students into contact with vulnerable people. In order to confirm our offer of a place on one of these courses, BU must be satisfied that you are a suitable person to undertake the work placement activities. BU's assessment of suitability is relied on by the organisations in which the placements take place and the relevant professional bodies. If we determine that you cannot undertake required work placements then we cannot confirm your place on the course, as the placements are a mandatory requirement of these courses i.e. you will not be able to complete and pass the course without completing the placements. The matters we ask you to declare *may* affect your suitability to work in the regulated environment, but this will depend on a number of factors, including the nature of the matter declared, when it occurred and the progress of your life since then.

Because of the purpose for which we ask questions about criminal matters, we consider that the questions we ask are exempt from the Rehabilitation of Offenders Act 1974. This is why we ask about convictions and other matters which are spent.

All students on these courses are required to complete an Enhanced DBS criminal records check at a later stage before enrolling on the course. However we consider it necessary for you to share information about criminal matters at this earlier stage so that we have time to collect and fully assess the relevant information before you make significant commitments in respect of your studies or associated matters on the basis of our initial offer of a place. When considering suitability for the course and profession it is also important for us to know whether you are prepared to acknowledge the matters on your record and engage with the risk assessment process.

- (b) **To identify, assess and manage any potential risks a criminal conviction may create for others in the university environment.** A university is a diverse environment, which brings people into contact with each other in a wide variety of ways. The university community includes students who are under the age of 18 (for whom we have particular safeguarding duties) and other people who have particular vulnerabilities which we need to consider.

Therefore we ask any person accepting an offer of a place at BU (not just applicants to health and social care professional courses) to declare certain categories of unspent criminal convictions. This enables us to carry out appropriate risk assessments with regard to the University and its community.

If the matter you have declared is an unspent criminal conviction which is relevant for these purposes, we will carry out this risk assessment to determine whether, if you attend BU to undertake the course for which you have applied, your conviction creates any risks to you or

others in the University environment, and whether/how these risks can be managed so that everyone is appropriately safeguarded. This will include considering any risks arising if you live in University accommodation. You will be given the chance to comment during this assessment.

Following this risk assessment we may decide that your offer to study at BU is subject to one or more restrictions or extra requirements with regard to your interaction with the university community at BU. If this is the case, you will be able to decide whether you want to accept our offer on this basis.

#### **D. If I declare a relevant criminal matter, what will happen next?**

If you declare a criminal matter to us when accepting an offer we will then ask you to complete an Enhanced criminal records check with the UK Disclosure & Barring Service (DBS), so that we can confirm what you have declared (sometimes we find that people declare matters which in fact do not appear on an Enhanced DBS check, in which case we do not need to consider the matter further). After that, we will ask you to provide some more information about the matter(s) on your record, using a standard form, and will ask you to identify any third parties who may be able to provide relevant information about the matters and your current suitability for the course/profession.

This will enable us to carry out the suitability and risk assessments described in C. above, in line with the following processes:

- The information you provide will be used by our Admissions Team to make an initial risk assessment;
- If the initial risk assessment produces a low risk rating, your offer of a place will be confirmed and the matters on your record will not be further considered by BU;
- If the initial risk assessment produces a medium or high risk rating, the information we have collected about you and the matter(s) on your record will be anonymised and passed to our Disclosure Panel for consideration. They will decide whether you are suitable for the course, i.e. whether your offer can be confirmed.
- If it is decided that you are suitable to undertake the course for which you have applied, and if the matter you have declared under this guidance is in the category of convictions which all those accepting offers from BU are required to declare, we will also assess whether your conviction creates any risks within the University environment and how these might be managed

The processes which we will follow are set out in the University's Admissions Policy for Applicants with a Criminal Record (Policy 3E): <https://www1.bournemouth.ac.uk/students/help-advice/important-information>

We understand that information about these matters is sensitive and confidential. We will limit access to the declaration you have made and the information you provide so that it is only processed as necessary for carrying out these assessments and identifying any steps we consider appropriate to manage risks identified through that assessment. We will keep you informed as this process progresses. We consider the information you provide on a no-names basis where possible.

#### **E. What happens if I don't declare a relevant criminal matter?**

If we offer you a place to study at BU, we reserve the right to treat your offer as withdrawn (ending any student agreement) if BU subsequently finds out that you have a relevant criminal matter which

has not already been declared and considered in accordance with this guidance and our relevant procedures.

This means that if you have a relevant criminal matter but do not declare it when accepting your offer, when the matter is identified we may withdraw our offer to you. The declarations you are asked to make will have asked you to confirm that the information you are providing is true, accurate and complete, and will have warned you that any offer made to you may be cancelled or withdrawn if this is subsequently found not to be the case.

Any offer of a place at BU on the courses covered by this guidance will be conditional on successful completion of clearance checks including an Enhanced DBS check (or an overseas police check if you are applying from, or have spent a significant period of time living outside, the UK ). These checks must be undertaken before you can enrol at BU and commence your course. It will be your responsibility to commence the DBS checking process. Sometimes an Enhanced DBS check may include matters which go beyond the definition of relevant criminal matters in this guidance and/or were omitted accidentally/in good faith by the applicant: if we consider this to be the case, the omission of this information may not in itself affect your place at BU, but we would need to consider the implications of the further information for your suitability to undertake the course.

**If you have any questions about this document, please contact**  
[ukadmissions@bournemouth.ac.uk](mailto:ukadmissions@bournemouth.ac.uk)

## APPENDIX 4

### Declaring Relevant Criminal Convictions: Courses other than Health & Social Care Professional Courses

#### A. Does this guidance apply to me?

This document provides information and guidance about declaring certain criminal convictions to BU where you are accepting an offer of a place.

Inclusivity is a key aim for BU and we expect our students to represent a wide range of backgrounds and perspectives. Criminal convictions on your record do not represent an automatic bar to entry to BU courses, and we frequently give places on our courses to people who have criminal convictions, including those of the kind which we ask you to declare as set out below. However we need to ensure that we safeguard the interests of everyone in the university community, which includes people under the age of 18 and people who are vulnerable in various ways. This means that we have to consider whether an unspent conviction for certain offences may represent a risk to others, and consider whether/how any such risk can be appropriately managed within the BU environment.

This guidance applies if:

- you have been offered a place to study at BU (whether conditional or unconditional); and
- you are accepting, or intend to accept, that offer.

Separate guidance and declaration requirements apply to applicants for courses intended to lead to a regulated health & social care profession.

#### B. What do I need to do?

You need to declare any **relevant criminal convictions**.

For these purposes a conviction is “relevant” if both (a) and (b) below apply:

(a) The conviction falls within one of the following categories:

- Offences concerned with violent or threatening behaviour or the causing of physical or mental harm to others, whether or not such harm was intended or actually caused;
- Sexual offences, including those listed in the Sexual Offences Act 2003
- Offences concerned with harassment, stalking or malicious communications
- Unlawful supply of controlled drugs or substances, including trafficking offences
- Offences involving firearms
- Any “hate crime” as defined by the Crown Prosecution Service<sup>5</sup> and equivalent offences or findings in other jurisdictions
- Arson
- Offences involving terrorism
- An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour), or any equivalent offence in another jurisdiction

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<sup>5</sup> <https://www.cps.gov.uk/hate-crime:an> offence which the convicting court found to be aggravated by reference to race, religion, disability, sexual orientation or transgender identity. This includes the offences in sections 29-32 of the Crime and Disorder Act 1998 and any offence which the court found to be aggravated under sections 145 or 146 of the Criminal Justice Act 2003,

- (b) The conviction is **not “spent”** under the terms of the UK Rehabilitation of Offenders Act 1974 (or any equivalent law from a country outside the UK). This provides for some convictions to be disregarded after a certain periods of time have passed. The period of time varies depending on the nature of the conviction, and some very serious offences cannot become “spent”. However, apart from conditional cautions, a caution (including a youth caution or a reprimand or warning given to a youth offender) becomes spent immediately after it is given. Further guidance on how to identify whether a conviction is “spent” can be found here (external link): <http://hub.unlock.org.uk/information/rehabilitation-of-offenders-act-1974/>.

You should declare any criminal conviction issued in a country outside the UK which meets the description in (a) above and would not be spent if it had been imposed in the UK.

**Please do not declare any conviction or other matter which does not fall into both of these categories.** If you need further guidance on whether a conviction is within these categories, you may find the following external websites useful:

<http://hub.unlock.org.uk/>

<https://www.nacro.org.uk/>

<https://www.cps.gov.uk/>

### **C. Why do we ask for this information?**

Declaring a relevant criminal conviction:

- Does not affect our assessment of your ability to meet academic requirements for admission to our courses (as you are not asked to declare the conviction until after an offer has been made); and
- Only rarely prevents you taking up your place, i.e. declaring a relevant conviction does not usually result in BU withdrawing its offer

We ask for this information so that we can **identify, assess and manage any potential risks your conviction may create for others in the university environment.**

A University is a diverse environment, which brings people into contact with each other in a wide variety of ways. The University community includes students who are under the age of 18 (for whom we have particular safeguarding duties) and other people who have particular vulnerabilities which we need to consider. We need to carry out appropriate risk assessments regarding the implications of your conviction for the University community. We will consider whether, if you attend BU to undertake the course for which you have applied, your conviction creates any risks to you or others in the University environment, and whether/how these risks can be managed so that everyone is appropriately safeguarded. This includes considering any risks arising if you live in University accommodation. You will have the opportunity to comment on our risk assessment.

Following our risk assessment we may decide that your offer to study at BU is subject to one or more restrictions or extra requirements with regard to your interaction with the university community at BU. If this is the case, you will be able to decide whether you want to accept our offer on this basis.

### **D. If I declare a relevant conviction, what will happen next?**

When you declare a relevant conviction you are also asked to provide information about your conviction on our standard form. The information you provide will enable us to carry out a risk



assessment for the purposes set out above. The process which will be followed is set out in Part 2 of the University's Admissions Policy for Applicants with a Criminal Record (Policy 3E):

<https://www1.bournemouth.ac.uk/students/help-advice/important-information>

We understand that information about these matters is sensitive and confidential. We will limit access to the declaration you have made and the information you provide so that it is only processed as necessary for carrying out this risk assessment and identifying any steps we consider appropriate to manage risks identified. We will keep you informed as this process progresses. We consider the information you provide on a no-names basis as far as possible.

#### **E. What happens if I have a relevant conviction but don't declare it?**

If we offer you a place to study at BU, we reserve the right to treat your offer as withdrawn (ending any student agreement) if BU subsequently finds out that you have a relevant criminal conviction which has not already been declared and considered in accordance with this guidance and our relevant procedures.

This means that, if you have a relevant criminal conviction but do not declare it when asked to do so, when the relevant conviction is identified we may withdraw our offer to you. When you are asked to provide information or make a declaration as part of the admissions process you will be asked to confirm that the information you are providing is true, accurate and complete and warned that any offer made to you may be cancelled or withdrawn if this is subsequently found not to be the case.

**If you have any questions about this document, please contact**  
[ukadmissions@bournemouth.ac.uk](mailto:ukadmissions@bournemouth.ac.uk)