

Edinburgh Napier University Admissions Policy

Policy for Applicants with Declared Criminal Convictions

1. General Principles

- 1.1. In line with the Edinburgh Napier University Admissions Policy, this policy has been developed to ensure applicants declaring a criminal conviction are treated fairly and transparently with regard to their application for admission to the institution.
- 1.2. Information received in connection to the investigation of a criminal conviction is treated in confidence and is normally only available to those directly involved in the assessment of the criminal conviction.
- 1.3. All information received relating to the investigation of a criminal conviction is held in line with the Edinburgh Napier University's Data Protection Policy.
- 1.4. The University has a duty of care to its students and staff to ensure that it does not admit students who may pose a significant risk to the University community. As part of the investigation into a criminal conviction the following issues will be considered:
 - 1.4.1 Whether admission of the applicant to their chosen course of study would pose a significant and unacceptable risk to the University community.
 - 1.4.2 Whether there are specific professional requirements related to the course applied for which need to be considered in relation to admission of the applicant to the University.
- 1.5. This policy distinguishes between the following type of courses offered by Edinburgh Napier University:
 - 1.5.1 Those courses which do not require a Disclosure Scotland criminal record check (or equivalent) as part of the admissions process. These will be referred to as Category A courses throughout the remainder of this policy.
 - 1.5.2 Those courses such as Nursing, Midwifery, Physiotherapy, Occupational Therapy, Secondary Teaching and Social Work which are not covered by the Rehabilitation of Offenders Act 1974 and as such applicants are required to complete a PVG (Protecting Vulnerable Groups) Disclosure Scotland criminal record check prior to commencing studies. These will be referred to as Category B courses throughout the remainder of this policy.

2. The Application Process

- 2.1. For Category A courses which **do not** require a Disclosure Scotland criminal record check:
 - 2.1.1. If applying via UCAS, upon submitting an application and receiving an academic offer, applicants with any unspent relevant criminal convictions¹ are asked to send an email declaring this to the Undergraduate Admissions team. This requirement is included within the Terms and Conditions which students agree to upon acceptance of an offer.
 - 2.1.2. If applying via the University's Direct Application form, applicants must declare on the application form whether they have a relevant unspent criminal conviction.
- 2.2. For Category B courses which **do** require a Disclosure Scotland criminal record check:
 - 2.2.1. If applying via UCAS, applicants will be asked as part of the UCAS application process to declare whether they have any criminal convictions, including spent convictions.
 - 2.2.2. If applying via the University's Direct Application form, applicants must declare on the application form whether they have any criminal convictions, including spent convictions.
- 2.3. Where an applicant has declared a criminal conviction, the following principles apply:
 - 2.3.1. For all applications the academic decision whether the applicant meets the academic threshold to receive an offer is taken first with no reference to any criminal record information.
 - 2.3.2. Where an applicant does not meet the minimum entry requirements, no further action is required with regard to the criminal conviction and an unsuccessful decision is communicated to the applicant.
 - 2.3.3. Where an applicant is eligible for an offer of admission the process for investigating a criminal conviction outlined in section 3 of this policy is followed, dependent on the type of course applied for.

¹ Relevant Criminal Conviction is defined as offences against the person, whether of a violent or sexual nature, or offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking. Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant for Category A courses.

3. Investigation and risk assessment related to a declared criminal conviction

- 3.1. Where an applicant eligible to receive an offer has indicated when applying that they have either a relevant unspent criminal conviction (and/or a unspent or spent criminal conviction for a Category B course), further investigation is required and the applicant will be contacted and asked to provide additional information.
- 3.2 Applicants may also choose to provide the name of a third party, such as social worker or probation officer, whom the University may contact for additional information relating to the case.
- 3.2 Dependent on the details provided to the University and the nature of the offence, the University reserves the right to request a Disclosure Scotland check to be carried out subsequent to this information being received. Where this is requested, the applicant is required to pay any costs associated with this unless applying for a Category B course where such an application is a compulsory requirement of the programme.
- 3.3. When all relevant information is received a decision is made regarding referral to the University's Disclosure Panel.
 - 3.3.1 Where the offence is deemed as *minor*² (and in the case of Category B courses, the offence is highly unlikely to have led to any restriction on the applicants ability to undertake regulated work with children or vulnerable adults) a decision can be taken to all the admissions process to proceed. The applicant will then be informed in writing of this decision.
 - 3.3.2 Where the offence carried a custodial sentence, involved children or vulnerable adults, and/or where a pattern of offending is identified (even where minor), the case will normally be referred to the University Disclosure Panel for further consideration.
 - 3.3.3 The University reserves the right to refer cases to the Disclosure Panel on a case-by-case basis as is deemed necessary

4. The University Disclosure Panel

- 4.1 The University Disclosure Panel normally comprises:
 - Head of International Operations & Student Recruitment
 - Head of Admissions
 - Appeals, Complaints & Conduct Officer
 - The Head of School (or nominee) from the School to which the applicant is to be admitted

² Minor offences are normally defined by the University as those which resulted in a warning, caution, reprimand, fine or absolute discharge

- One further nominee from the Subject Area to which the applicant will be admitted (in the case of an applicant to a Category B course this would normally include a colleague with oversight of the programmes fitness to practice processes).
- 4.2 The University reserves the right to co-opt other members of staff to attend the Disclosure Panel as necessary, in order to ensure the required expertise is available to make a decision on admission.
- 4.3 The Disclosure Panel carries out a risk assessment for each case it considers, taking into account the information received from the applicant.
- 4.4 Following the consideration of the case, the Head of Admissions will contact the applicant to inform him/her of the Panel decision which will normally be one of the following:
 - 4.4.1 To admit the applicant to the University
 - 4.4.2 To admit the applicant to the University, subject to clearly identified restrictions, caveats or support arrangements
 - 4.4.3 Not to admit the applicant to their chosen course, but to offer an alternative course of study within the University
 - 4.4.4 Not to admit the applicant to the University
 - 4.4.5 To request additional information in order to enable the Panel to make a final decision regarding admission.
- 4.5 The University Disclosure Panel seeks to make decisions as quickly as possible, however where the investigation of a criminal conviction commences close to the start of the academic trimester, the Panel may request the applicant defers his/her place to the next available intake, in order to ensure sufficient time for due process.

5. PVG requirements of courses that involve contact with Vulnerable Groups (Category B courses)

- 5.1. The Protecting Vulnerable Groups Scheme (PVG) came into effect on 28 February 2011. The scheme is operated by Disclosure Scotland and further information is available at [Protecting Vulnerable Groups \(PVG\) scheme - mygov.scot](https://www.mygov.scot/protecting-vulnerable-groups-scheme).
- 5.2. The aim of the PVG membership scheme is to help ensure that those who have regular contact with children and protected adults, through paid or unpaid work, do not have a known history of harmful behaviour.
- 5.3. Any applicant accepting a place on a course which, includes as an integral part of their studies, regular contact with children and/or protected adults, is required to apply for PVG scheme membership, or if they are already a member, to provide a PVG scheme record update.
- 5.4. In addition, programmes which include a work placement involving children and/or protected adults may also require students to undertake a

PVG check, as may students participating in the University's graduate employability scheme (where appropriate).

- 5.5. For Edinburgh Napier University, at the time of writing, this means all Nursing, Midwifery, Physiotherapy, Occupational Therapy, Secondary Teaching, Social Work and the PG Diploma in Career Guidance & Development programmes require a PVG check.
- 5.6. For these programmes applicants will be required to join the PVG membership scheme or provide a PVG scheme record update, prior to commencing the placement element of their programme.
- 5.7. For these programmes there are professional body requirements and fitness to practice issues which may need to be taken into consideration as part of any investigation into a criminal conviction and will be considered as part of the deliberations of the disclosure panel outlined in section 4.
- 5.8. For the majority of applicants to Category B programmes, the majority of PVG scheme applications are not made until after the student registers on the programme. Given this, the outcome of the PVG application is not normally received until after the start of trimester, but must be received by the point at which the student begins their placement. As a result all students are made aware by programme teams that continuation on their programme of study is subject to receipt of a satisfactory PVG check.
- 5.9. As outlined in 3.2 applicants to Category B courses who declare a conviction are likely to have a PVG application submitted prior to the final offer of admission being made, in advance of the rest of the cohort. This will be processed and submitted by the relevant School.
- 5.10. The School of Nursing, Midwifery and Social Care and School of Applied Sciences have responsibility for ensuring that all students have a valid PVG prior to commencing any placement.
- 5.11. On receipt of the PVGs submitted post registration, the Schools have responsibility for reviewing each case and making a decision on whether any further investigation is required:
 - 5.7.1 Where the offence is deemed as *minor*³ a decision can be taken to allow the student to continue on their course.
 - 5.7.2 Where the offence carried a custodial sentence or where a pattern of offending (including for minor offences) is identified, the case will be considered within the School by the School's 'Fitness to Practice' Panel. This Panel considers any implications relating to professional accreditation and fitness to practice.

³ Minor offences are normally defined by the University as those which resulted in a warning, caution, reprimand, fine or absolute discharge

5.7.4 Following this process the applicant will be informed in writing of the Fitness to Practice Panel decision.

5.7.5 The 'Fitness to Practice' Panel must make its final decision, prior to the student going on placement.

6. Failure to declare a criminal conviction

6.1 Where an applicant fails to disclose a criminal conviction (as defined in 2.1- 2.2 above) and it subsequently comes to light that the applicant does have a conviction, the University reserves the right to fully investigate the case and withdraw any place which has been offered.

7. International Applicants

7.1 International applicants must complete their application for study in the same way as UK students, ensuring they comply with declaring any criminal conviction in line with 2.1 and 2.2 above.

7.2 Investigations into any declared criminal conviction will be carried out in line with the above policy. Where the applicant is applying for a course which does not require a membership of the PVG scheme, the applicant may be asked for a 'Certificate of Good Conduct' from their own country, in place of a basic disclosure.

7.3 For courses which require membership of the PVG scheme, international applicants will be asked to join the PVG scheme, or complete a PVG scheme record update as per the above policy.

7.4 If an applicant has never lived in the UK, in addition to joining the PVG scheme they are also required to provide one of the following:

7.4.1 A certificate of good conduct and/or police certificate⁴

7.4.2 If the applicant's home country does not provide the above, the applicant must complete a self-certificate which confirms they have no criminal record in their home country

7.5 Investigations into any declared criminal convictions will be dealt with as outlined in Sections 1-5 of this policy.

8. Transition to Study for applicants with a declared criminal conviction

Where the final decision of the University is to admit the student to their chosen programme of study, consent will be sought from the applicant to pass the information relating to their case to their Personal Development Tutor (PDT).

⁴ Further information on countries where criminal record checks are available can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

9. Further Information

- 9.1 Further information and guidance can be provided by the Admissions Team by emailing AdmissionsTL@napier.ac.uk

This policy was last reviewed in October 2023
This policy is owned by Alan Mclachlan, Head of International Operations & Admissions