

**Edinburgh Napier University Admissions Policy**

**Accommodation Policy for Applicants with Declared Criminal Convictions 2018**

1. **General Principles** 
   1. In line with Edinburgh Napier University Admissions Policies, this policy has been developed to ensure applicants declaring a criminal conviction are treated fairly and transparently with regard to their application for student accommodation.
   2. Information received in connection with 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.
   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.
   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. Whether admission of the applicant to University managed Student Accommodation would pose a significant and unacceptable risk to the University community occupying and making use of those premises.
      2. Whether adjustments are required in order to accommodate the applicant and if it is possible and reasonable for the University to make those adjustments.
2. **Definition**

For the purposes of this policy, the University considers the following as relevant unspent criminal convictions which must be declared:

* violence or threatening behaviour; offences concerning the intention to harm or offences which resulted in actual bodily harm;
* offences listed in the Sex Offences Act 2003 or any previous or future equivalents of this Act;
* the unlawful supply of controlled drugs or substances;
* offences involving firearms, and other weapons;
* offences involving arson;
* offences listed in the Terrorism Act 2006 or any previous or future equivalents of this Act;
* offences under Protection from Harassment legislation;

Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant.

1. **The Application Process**
   1. As part of the application process for Student Accommodation managed by the University, all applicants are asked to declare if they have a relevant criminal conviction that is not spent.
   2. Where an applicant has indicated when applying that they have either a relevant criminal conviction or a relevant unspent criminal conviction, further investigation is required and the applicant will be contacted by the Accommodation team and asked to provide further information relating to the offence and any cases which are pending in order for a risk assessment to be made to determine if suitable accommodation can be offered to the applicant.
   3. Where an applicant fails to disclose a criminal conviction (as defined in 2 above) and it is subsequently revealed that the applicant does have a conviction, the University reserves the right to fully investigate the case and withdraw any Student Accommodation place which has been offered.
   4. Applicants may also be asked 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.
   5. 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.
   6. When all relevant information is received a risk assessment is conducted and a decision is made regarding referral to the University’s Accommodation Criminal Convictions Disclosure Panel.

3.6.1 Where the offence is deemed as *minor* [[1]](#footnote-1) a decision can be taken to admit the applicant to University Accommodation. The applicant will then be informed in writing of this decision.

3.6.2 Where the offence carried a custodial sentence or where a pattern of minor offending is identified, the case will normally be referred to the University Accommodation Criminal Convictions Disclosure Panel for further consideration.

3.6.3 The University reserves the right to refer cases to the Disclosure Panel on a case-by-case basis as is deemed necessary

1. **The University Accommodation Criminal Convictions Disclosure Panel**

4.1 The University Disclosure Panel normally comprises:

* Student Accommodation Manager
* Head of Hospitality & Facilities Services
* Head of Student Inclusion & Wellbeing
* Head of Appeals, Complaints and Conduct Officer

4.2 The University reserves the right to co-opt other members of staff to attend the Accommodation Criminal Convictions Disclosure Panel as necessary, in order to ensure the required expertise is available to make a decision on admission.

4.3 The Accommodation Criminal Convictions Disclosure Panel is provided with an anonymised version of the criminal convictions data.

4.4 The Accommodation Criminal Convictions Disclosure Panel carries out a risk assessment for each case it considers, taking into account the information received from the applicant.

4.5 Following the consideration of the case, the Student Accommodation Manager will contact the applicant to inform him/her of the Panel decision, which will normally be one of the following:

4.5.1 The student poses no/low risk and should be admitted to University Accommodation

* + 1. The student poses an unacceptable risk and should not be admitted to University Accommodation at the current time
    2. There is currently insufficient evidence on which to make a decision

4.5 The University Accommodation Criminal Convictions 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 finds alternative accommodation, in order to ensure sufficient time for due process.

**5. International Applicants**

5.1 International applicants must complete their application for accommodation in the same way as UK students, ensuring they comply with declaring any relevant criminal conviction.

5.2 Investigation into any declared criminal conviction will be carried out in line with the above policy. The applicant may be asked for a ‘Certificate of Good Conduct’ and/or police certificate[[2]](#footnote-2) from their own country, in place of a basic disclosure.

**6. Compliance with Data Protection Legislation**

6.1 Security

6.1.1 For services provided locally by Information Services, information is stored on servers located in secure University datacentres. These datacentres are resilient and feature access controls, environmental monitoring, backup power supplies and redundant hardware. Information on these servers is backed up regularly. The University has various data protection and information security policies and procedures to ensure that appropriate organisational and technical measures are in place to protect the privacy or your personal data. The University makes use of a number of third party, including “cloud”, services for information storage and processing. Through procurement and contract management procedures the University ensures that these services have appropriate organisational and technical measures to comply with data protection legislation. The University is [Cyber Essentials Plus](https://www.cyberessentials.ncsc.gov.uk/) accredited.

6.1.2 Specific local processes in the Accommodation team include secured paper forms and files, password protected e-files, encrypted emails, etc. and the use of third party systems which the University ensures have the necessary technical and organisational security and contractual measures in place to protect the data.

6.2 Lawful, Fair and Transparent

Legal bases for processing: Article 6(1)(e) and Article 9(2)(g) processing is necessary for reasons of substantial public interest, and under the Data Protection Act 2018 Schedule 1 Part 2 S.11 processing is necessary for the exercise of a protective function and S.18 safeguarding (as allowed by Schedule 1 Part 3 S 36).

6.3 Collected for specified, explicit and legitimate purposes

As per this policy. Criminal Convictions data will not be further processed for any other purposes incompatible with those detailed here.

6.4 Adequate, relevant and limited.

The University will only collect and process the data necessary for the purposes.

6.5 Storage limitation.

Criminal Convictions data will not be stored longer than necessary for the purposes e.g. x (DPA specifically states that this must be specified) years/months, and will be confidentially destroyed when no longer required.

6.6 You have a number of rights available to you with regards to what personal data of yours is held by the University and how it is processed – to find out more about your rights, how to make a request and who to contact if you have any further queries about Data Protection please see the information online using the following URL: <https://staff.napier.ac.uk/services/governance-compliance/governance/DataProtection/Pages/default.aspx>

6.7 Please see the University Privacy Notices at: staff.napier.ac.uk/dpstatements

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1. Minor offences are normally defined by the University as those which resulted in a warning, caution, reprimand, fine or absolute discharge [↑](#footnote-ref-1)
2. 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> [↑](#footnote-ref-2)