

**Edinburgh Napier University Admissions Policy**

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

1. **General Principles** 
   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.
   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.
   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 their chosen course of study would pose a significant and unacceptable risk to the University community.
      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.
   5. This policy distinguishes between the following type of courses offered by Edinburgh Napier University:
      1. Those courses which do not require a Disclosure Scotland criminal record check (or equivalent) as part of the admissions process.
      2. Those courses, such as Career Guidance, Nursing, Midwifery, Physiotherapy, Occupational Therapy, Social Work and Secondary Education which require all successful applicants to complete a current check for Protecting Vulnerable Groups (PVG) Scheme Disclosure Scotland as part of the admissions process.
2. **The Application Process** 
   1. As part of the application, all applicants are asked to declare if they have a relevant criminal conviction[[1]](#footnote-1) that is not spent. For applicants applying via UCAS, upon submitting an application, applicants with a relevant criminal conviction are required to send an email declaring this to the Undergraduate Admissions team. Applicants applying for Nursing, Midwifery and Secondary Education via UCAS will be asked to declare whether they have a criminal conviction via their UCAS application. For applicants applying via the University’s Direct Application form, applicants must declare on the application from whether they have have a relevant criminal conviction.
   2. Some programmes, such as Nursing, Midwifery, Physiotherapy, Occupational Therapy, Secondary Teaching and Social Work 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. This is a mandatory requirement to practise for all Nursing & Midwifery courses and for the PG Diploma in Career Guidance & Development
   3. Where an applicant has indicated when applying that they have either a relevant criminal conviction or a relevant unspent criminal conviction for a course which involves children and/or protected adults, further investigation is required and the applicant will be contacted and asked to provide additional information.
   4. Where an applicant has declared a criminal conviction the following principles apply:
      1. For all applications the academic decision to admit the student is taken first with no reference to any criminal record information.
      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.

* + 1. Where an applicant is eligible for an offer of admission the following process is followed, dependent on the type of course applied for.

2.5 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.

1. **Courses that do not involve contact with Vulnerable Groups**

3.1 Applicants who declare they have relevant criminal conviction will be asked to provide additional information relating to the offence and any cases which are pending.

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.

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]](#footnote-2) a decision can be taken to admit the applicant to the course. The applicant will then be informed in writing of this decision.

3.3.2 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 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

1. **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
* One further nominee from the Subject Area to which the applicant will be admitted

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.

1. **Courses that involve contact with Vulnerable Groups** 
   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 [www.pvgschemescotland.org](http://www.pvgschemescotland.org).
   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.
   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.
   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. 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.
   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.
   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. For this reason the responsibility for the investigation into any criminal conviction lies with the relevant School, rather than the University Disclosure Panel. The relevant School carries out these investigations in line with the principles outlined in this document.
   8. Where an applicant has declared a criminal conviction in their application, and where they meet the minimum academic criteria they will normally be invited for interview.
   9. During the interview process applicants are asked whether they have any criminal convictions to declare. This is noted on the Interview Record Sheet. Applicants are made aware at the interview that, should their criminal record status change following the interview, they are required to inform the School immediately.
   10. If, during the interview process, an applicant provides additional information about their criminal record and the Admissions Advisor believes the information disclosed presents a significantly serious risk to fitness to practice, the School would ask for an early PVG check to be carried out. Any offer of admission would be held until the PVG certificate had been received and reviewed.
   11. Following interview, where an applicant meets the entry criteria for the course, an offer of admission will be made. Any offer is subject to satisfactory completion of a PVG check and it is made clear to applicants that failure to meet this requirement will result in their place being withdrawn.
   12. PVGs are 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 during matriculation and induction that continuation on their programme of study is subject to receipt of a satisfactory PVG check.
   13. 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.
   14. On receipt of the PVG, 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]](#footnote-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 minor offending 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.

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. International Applicants**

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

6.2 Investigation 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.

6.3 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.

6.4 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:

6.4.1 A certificate of good conduct and/or police certificate[[4]](#footnote-4)

6.4.2 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

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

**7. Transition to Study**

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).

**8. Compliance with Data Protection Legislation**

    8.1 Security

8.1.1 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.

              8.1.2 Specific local processes 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.

  8.2 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).

  8.3 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.

  8.4 Adequate, relevant and limited.

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

  8.5 Storage limitation.

             Criminal Convictions data will not be stored longer than necessary for the purpose of assessing admission to the University. Where an applicant is unsuccessful, this information will be held for the year of application + 1. Where the applicant is admitted to the university, information will be held until termination of student status + 6 years, and will be confidentially destroyed when no longer required.

   8.6 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>

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

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. [↑](#footnote-ref-1)
2. Minor offences are normally defined by the University as those which resulted in a warning, caution, reprimand, fine or absolute discharge [↑](#footnote-ref-2)
3. Minor offences are normally defined by the University as those which resulted in a warning, caution, reprimand, fine or absolute discharge [↑](#footnote-ref-3)
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> [↑](#footnote-ref-4)