

Criminal Charges and Convictions Policy

Prepared By	Department of Governance and Legal Services
Approved By	Education Committee – 1 st May 2024 Senate - 5 th June 2024
Other documents referenced	GCU Admissions Policy Rehabilitation of Offenders Act (1974) Data Protection Act 1998 General Data Protection Regulation GCU Code of Student Conduct GCU Fitness to Practise Policy
Related documents	University Assessment Regulations
Review Date	June 2025

Version Number	Date issued	Author	Update information
V1.0	June 2016	Admissions and Enquiries Service	First Published version as agreed by University Senate on 3 rd June 2016
V 2.0	October 2022	Admissions and Enquiries Service	Revision of First Published Version. Revisions approved by University Senate on 18 October 2022
V 3.0	June 2024	Department of Governance and Legal Services	Inclusion of declaration relevant criminal charges, and asking students to declare at initial registration and re-registration every academic year. To align with guidance issued by Universities Scotland

Criminal Charges and Convictions Policy

Policy

Glasgow Caledonian University is committed to providing an inclusive and safe environment for students and staff. In providing life-changing education, it strives to increase opportunities for widening access, social inclusion and provide opportunities to those from disadvantaged backgrounds. In doing so, the University has a responsibility to protect the safety and wellbeing of the University community.

In discharging this responsibility, the University asks all applicants who have accepted the offer of a place to study, to declare any relevant pending criminal charges or unspent criminal convictions (the relevant types of charges and convictions are set out in more detail in Section 4 below albeit, this list is not exhaustive). A similar declaration will be required from all new students at initial student registration and then from all continuing students at re-registration every academic year.

All students are also required to notify the University of any new, relevant charges or convictions, which are imposed upon them during their studies. This requirement to inform the University about relevant charges and unspent convictions is highlighted during the registration process, and is covered in the Undergraduate and Postgraduate Degree Regulations and the Code of Student Conduct. Should any student be unsure as to whether or not a conviction or charge requires to be disclosed, they should disclose it.

This policy aims to ensure that no applicant or student is unfairly disadvantaged by declaring a relevant criminal charge or unspent conviction, and that their declaration is considered and responded to fairly and transparently.

June 2024

Standard Operating Procedure

1. Disclosure of Relevant Criminal Convictions – Programmes which require PVG Check

For certain programmes involving interaction with children and/or vulnerable adults, applicants must disclose all convictions, including cautions, reprimands, final warnings, bind-over orders and spent convictions, at initial application stage. Applicants will be required to undergo a Protecting Vulnerable Groups (PVG) Check administered by Disclosure Scotland, which will disclose any relevant criminal convictions to the University. This includes convictions of a less serious nature, not included in Section 4 below for other programmes.

On receipt of an application where a criminal conviction has been declared, the application will initially be assessed against academic and other standard programme entrance requirements. If the applicant does not meet the entrance requirements of the programme a reject decision will be processed in the normal manner. If the applicant is deemed eligible to receive an offer for the programme, the offer will be processed subject to a satisfactory disclosure check. All applicants, whether or not they have declared a criminal conviction, are required to make an application to the Protection of Vulnerable Groups (PVG) Scheme with applicants residing outside Scotland also requiring to submit a local police check (for England & Wales: Disclosure and Barring Service (DBS)/Northern Ireland: AccessNI). For international applicants, Admissions will request a Local Police Check as part of the CAS issuing process.

Applicants who have declared a criminal conviction and then go on to accept their offer with the University will receive an email from the relevant academic school asking them to complete the relevant disclosure for their specific programme. Once all disclosure forms have been received they will be referred to the Admissions Criminal Charges and Convictions Panel for consideration (see Appendix 2), seeking the advice of the Chair of the Fitness to Practice Committee if required.

2. Disclosure of Relevant Unspent Criminal Charges and Convictions - Programmes which do not require a PVG check

The University requires all applicants to declare all relevant charges and unspent criminal convictions upon firm acceptance of an offer of a place to study. The University will request this information from all applicants at the point a formal offer is accepted.

3. What is a relevant criminal charge or conviction?

Applicants to programmes that do not require a PVG check as standard will only be asked to declare criminal charges or unspent convictions that relate to relevant offences.

Relevant offences include offences in respect of which sentences are imposed by a court of law, cautions, admonitions, reprimands, final warnings, and bind over orders or similar received in parts of the UK other than Scotland, or equivalent convictions received in any other country, in relation to one or more of the following non-exhaustive list of relevant offences:

- any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm;
- offences listed in the Sexual Offences Act 2003 or the Sexual Offences (Scotland) Act 2009;
- the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (drug offences only involving possession of controlled drugs/substances and not resulting in a custodial sentence are not relevant criminal convictions and do not need to be declared) ;
- offences involving firearms, arson, stalking, hate crime, theft, computer misuse or fraud;
- offences involving terrorism, including but not restricted to, those listed in the Terrorism Act 2006; or
- offences listed in Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007.

If an applicant or student has a charge or an unspent conviction imposed by an authority or by a court outside of United Kingdom, relating to any of the offences listed above, they must inform the University.

Where an applicant or registering / re-registering student is unsure whether a charge or conviction is relevant then they should contact the Department of Governance and Legal Services via SDC@gcu.ac.uk for advice. Making an incorrect assumption around relevance will not be accepted as an appropriate defence should this be discovered at a later stage.

Any questions about whether a conviction or charge needs to be declared should be directed to Governance and Legal Services at SDC@gcu.ac.uk

4. What is NOT a relevant criminal charge or conviction? (For purposes of programmes not requiring a PVG check)

- Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or violent offender orders (VOOs) are **not** classed as convictions for the purpose of this section of the policy, unless the applicant has contested a PND or breached the terms of an ASBO or VOO and this has resulted in a criminal conviction;
- Speeding offences;
- An arrest which did not lead to a prosecution or conviction;
- Spent convictions or an offence for which the penalty was a non-custodial sentence carrying a fine of less than £1,000;

- Convictions, cautions or warnings or reprimands which are deemed protection under the Rehabilitation of Offenders Act (1974) (Exclusions and Exceptions) (Scotland) Order 2013 (as amended 2015) Information about protected convictions can be found on the Disclosure Scotland website.

5. When is a relevant criminal conviction spent?

A conviction becomes spent when a specific amount of time has passed which enables it to be ignored under the Rehabilitation of Offenders Act 1974. The length of time depends on the length of the nature of the offence and the sentence imposed. Under the Act, all convictions except those which resulted in a prison sentence of more than 30-months are considered spent after a certain period of time and do not require to be disclosed.

6. Disclosure of a relevant criminal charge or unspent conviction by applicants

Where an applicant discloses a relevant criminal charge or unspent conviction, the matter will be referred to the University's Admissions Criminal Charges and Convictions Panel (ACCCP) for consideration, which will seek further information from the applicant and other expert advice, if necessary. The panel will assess the risk in relation to the relevant criminal conviction. For more information on the ACCCP, see **Appendix 2**

7. Outcomes of the University's Admissions Criminal Charges and Convictions Panel

The potential outcomes of the ACCCP include:

- Application is accepted;
- Application is rejected;
- Entry to the programme is deferred for a specified period of time;
- Application is accepted with particular proviso(s), such as restrictions regarding accommodation or outlining specific support to be in place for the student.

Where an application is not accepted, applicants will be informed of their right of appeal.

8. Disclosure of a relevant criminal charge or unspent conviction by new students at initial registration.

Recognising that for some applicants, there may be a number of months between the firm acceptance of an application and registration as a student, all new students will be asked about relevant criminal charges and convictions at initial student registration. This will be cross-checked with any declaration at firm acceptance. Where there is a new declaration, this will be referred to the Admissions Criminal Charges and Convictions Panel for consideration as at Section 7 above.

9. Disclosure of a relevant criminal charge or unspent conviction by continuing students at re-registration each academic year.

All continuing students will be asked to declare any new relevant unspent charges and convictions at registration each year. These will be considered in line with the Code of Student Conduct by the Department of Governance and Legal Services. For more information, see Appendix 3.

10. Relevant charges or convictions acquired during the course of an academic year

If a student is the subject of a relevant police investigation, or receives a relevant criminal charge or conviction during the course of the academic year, this must be disclosed as soon as possible to the Department of Governance and Legal Services by emailing SDC@gcu.ac.uk. All declarations will be considered in line with this policy and the Code of Student Conduct (See Appendix 3).

11. Failure to Disclose

Where there has been a failure to disclose a relevant criminal charge or unspent conviction and it is subsequently brought to the University's attention, the relevant process at Sections 7 or 9 above will be followed. Where an applicant has failed to disclose, their application may be rejected as a result of any non-disclosure. The University may also report this to any relevant external admissions body, such as UCAS. Where a student fails to disclose, this would be a breach of the Code of Student Conduct and the student may be subject to disciplinary action.

12. Student Wellbeing and Support

All students are encouraged to access the broad range of support, both academic and wellbeing, that the University offers. More information on Student Wellbeing Services can be found at <https://www.gcu.ac.uk/currentstudents/support/wellbeing>. For academic support please contact the personal tutor or programme leader.

Support and advice is also available from the Students' Association Student Advice Centre and contact details and more information can be found at <https://www.gcustudents.co.uk/advice>

13. Data Processing

At all times use of the data provided in declarations will be processed in accordance with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and any other laws and regulations relating to the processing of personal data and privacy that apply to the University

This policy supplements the University's Data Protection and Privacy Policy, The Student Privacy Notice, and the Staff Privacy Notice. Further information is available at <https://www.gcu.ac.uk/aboutgcu/universitygovernance/data-protection>

Related Policies and Documents:

[GCU Admissions Policy](#)

[Rehabilitation of Offenders Act \(1974\)](#)

[Data Protection Act 1998](#)

[General Data Protection Regulation](#)

[GCU Code of Student Conduct](#)

[GCU Fitness to Practise Policy](#)

Admissions Criminal Charges and Convictions Panel

1. Membership and Process

1.2 The Admissions Criminal Charges and Convictions Panel (ACCCP) will consist of:

- Member of Admissions Service Management Team (Chair);
- Relevant Academic Head of Department;
- A representative from the Department of Governance and Legal Services;
- An academic member of the Programme Team (for programmes requiring enhanced disclosure only)

1.3 The ACCCP may request additional information from the applicant and/or a relevant third party such as a Probation Officer or Social Worker. The case will be considered by the panel taking into consideration:

- The individual circumstances of the case;
- The University's duty of care to staff, students and visitors;
- The suitability of the applicant becoming a member of the student body;
- The length of time since the offence(s) was committed;
- The likelihood of the applicant reoffending;
- Any changes in the applicants' circumstances since the time of the offence or rehabilitation;
- The requirements of the relevant professional body and/or regulatory body (for programmes requiring enhanced disclosure only)

1.4 After consideration, the ACCCP may take such action relating to the application, as it considers appropriate. This includes, but is not limited to, the following actions:

- Reject the application;
- Accept the application;
- Defer entry to the programme for a specified period of time;
- Accept the application with particular proviso(s), such as restrictions regarding accommodation or outlining specific support to be in place for the student;
- Advise the applicant to consider an alternative programme of study;
- Obtain further evidence from an appropriate professional e.g. Social Worker or Probation Support Officer in order to make an informed decision.

The Admissions Service will notify the applicant of the decision, normally within 14 days.

2. Appeals

2.1 An applicant may wish to appeal the initial decision of the ACCCP. Appeals should be submitted to the Director of Future Students, Marketing and Communications within 14 days of the decision being communicated. Appeals can be made on the following grounds:

- i. Evidence becoming available which was not available, or could not reasonably have been made available, at the time of the original decision;
- ii. The decision was unreasonable; or
- iii. There was procedural irregularity which was prejudicial to the student

2.2 The Appeal Panel will consist of:

- Director of Future Students, Marketing and Communications (Chair);
- Relevant Dean of School;
- A representative from the Department of Governance and Legal Services

In determining any appeal, the Appeal Panel will seek submissions from the Chair of the ACCCP in relation to the decision being appealed, the reasons for that decision and the specific grounds of appeal claimed by the applicant.

2.3 The decision and any recommendations or advice of the Appeals Panel will be final, and will be notified to the applicant by the Admissions Service.

Action following declarations from current students

1. Process

All declarations of relevant police investigations, criminal charges and unspent convictions made by current students will be assessed by the Department of Governance and Legal Services, in line with the Code of Student Conduct and the Criminal Charges and Convictions Policy. The Department of Governance and Legal Services may request further information and liaise with relevant third parties to obtain relevant information to assess any risk.

Where it is considered that the police investigation, criminal charge or unspent conviction has a direct impact on

- the student's ability to engage in their studies (e.g. and professional body requirements, restrictions on internet usage, ability to attend campus);
- the safety, security or wellbeing of another member of the University community; or
- the University infrastructure
- the reputation of the University
- any other relevant factor

a Student Conduct Case Conference will be called. Participation in the case conference will be determined by the nature of the case being considered but will typically include representatives from

- Department of Governance and Legal Services (Chair)
- Student Life
- Campus Security
- Relevant academic department
- Other relevant staff as required

The following factors will be taken into account when considering whether to take the matter forward for disciplinary action:

- The individual circumstances of the case;
- The University's duty of care to staff, students and visitors;
- The implications and the risk associated with the student remaining an active member of the student body;
- Any reputational risk; and
- Any requirements of the relevant professional body and/or regulatory body (for programmes requiring enhanced disclosure only)

Where disciplinary action is taken, students will be informed of their right of appeal in line with the Code of Student Conduct.

Depending on the programme of study, a referral under Fitness to Practise may also be made.