

TEDI-LONDON

CRIMINAL CONVICTIONS POLICY

Summary	Policy outlining how TEDI-London collects information from applicants and students about criminal convictions and how this information is used.		
Policy Owner	Registrar		
Policy Sponsor	Academic Board		
Policy applies to	Applicants and students of TEDI-London		
Relevant legislation and policy	Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). Terrorism Act 2006 Sex Offences Act 2003 TEDI-London Admissions Policy TEDI-London Data Protection Policy TEDI-London Student Disciplinary Policy TEDI-London Safeguarding Policy Unlock: Understanding Applicants with Criminal Records		
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DOCUMENT CONTROL

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PART A – POLICY

1. INTRODUCTION

- 1.1. We understand that people with criminal records can face barriers when accessing higher education and that education has the power to transform their lives by helping them move forward and make a positive contribution to society. We encourage applications from all parts of the population and do not prohibit individuals with criminal records from studying with us.
- 1.2. This Policy outlines TEDI-London’s approach to checking whether our offer holders and students have criminal records. It also outlines the approach we take in instances where incoming or current students have a criminal record.
- 1.3. We are committed to taking a fair approach to criminal record checking and to dealing in a proportionate way in cases where criminal records are found.
- 1.4. This policy aligns with advice from [UNLOCK](#), the charity for people with convictions on understanding applicants with criminal records.

2. POLICY STATEMENT

- 2.1. At TEDI-London, we aim to attract and empower individuals from diverse backgrounds and perspectives, and we believe that individuals with the right attitude, aptitude, and ability to study should have the opportunity to do so.
- 2.2. We have a duty of care to all staff and students, so we do require offer holders and students to complete a criminal convictions declaration. We will not ask for information at the application stage, but successful applicants will be asked to complete the Criminal Convictions Declaration form ([link](#)) before they can register. We will also ask students to declare a criminal record, should one be received during their studies.
- 2.3. We are committed to giving applicants with an unspent criminal record a balanced and appropriate chance by:
 - 2.3.1. not asking applicants to declare criminal records until the appropriate point in the process, i.e., until they have accepted an offer from TEDI-London and are considered an ‘offer holder’.
 - 2.3.2. asking offer holders specific and proportionate questions.

- 2.3.3. making our policy (this document) transparent and accessible to all applicants.
 - 2.3.4. giving applicants the opportunity to discuss their case in person / make written contextual submissions before a decision is made.
 - 2.3.5. ensuring staff are trained to make impartial judgements and assessment about applicants.
 - 2.3.6. supporting students with criminal records to help them achieve academic success on a case-by-case basis.
 - 2.3.7. communicating positively about the benefits of our bespoke admissions process.
- 2.4. We can withdraw your offer of a place on the programme or withdraw you from TEDI-London if we believe that your conviction means that you are a risk to TEDI-London staff, students, or others who work with us. We will take all necessary steps to avoid this.
- 2.5. We will seek external advice and guidance where necessary.

3. SCOPE OF THIS POLICY

- 3.1. This Policy applies to all offer holders and students of TEDI-London.
- 3.2. Applicants for TEDI-London programmes should ensure that they are aware of the process for declaring a criminal conviction and be willing to provide this information to us.

4. DEFINITIONS USED IN THIS POLICY

4.1. DISCLOSURE AND BARRING SERVICE (DBS) CHECK

- 4.1.1. A Disclosure and Barring Service (DBS) check helps higher education providers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.
- 4.1.2. We will only request a Disclosure and Barring Service (DBS) check of criminal convictions if you will encounter vulnerable groups during your studies. This might be for a placement or as part of a project. We will let you know if a DBS check is required, and we will let you know how to apply for this. The cost of a DBS check will be covered by TEDI-London.

4.2. **SPENT CONVICTION**

- 4.2.1. If an individual does not re-offend during their rehabilitation period, their conviction becomes 'spent' (as defined by The Rehabilitation of Offenders Act 1974, see www.gov.uk/tell-employer-or-college-about-criminal-record/check-your-conviction-caution for further information). The Rehabilitation period is defined by law and varies in length depending on the nature of the offence and at what age it was committed.
- 4.2.2. Certain offences are never 'spent'. If you complete a DBS check application, you must declare all convictions whether spent or unspent.
- 4.2.3. You should let us know if your conviction becomes spent during your programme to enable us to amend your record.

4.3. **REHABILITATION OF OFFENDERS ACT 1974 (EXCEPTIONS) ORDER 1975 (AS AMENDED IN 2013)**

- 4.3.1. This Act aims to help people who have been convicted of certain criminal offences and have not reoffended since being convicted.
- 4.3.2. The Act intends to enable people with few or minor convictions to be treated in the same way as those without convictions.

4.4. **RELEVANT CRIMINAL OFFENCES**

- 4.4.1. Relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar involving one or more of the following:
 - a. 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.
 - b. offences listed in the Sex Offences Act 2003.
 - c. the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
 - d. offences involving firearms.
 - e. offences involving arson.
 - f. offences listed in the Terrorism Act 2006.
- 4.4.2. If your conviction involved an offence like those set out above but was made by a court outside of the UK, and that conviction would not be considered as spent under the Rehabilitation of Offenders Act 1974, you should declare it as you would any other unspent conviction.

- 4.4.3. 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, unless you have contested a PND or breached the terms of an ASBO or VOO and this has resulted in a criminal conviction.

5. ROLES AND RESPONSIBILITIES

- 5.1. You (the offer holder/ student) are responsible for submitting an accurate criminal conviction declaration.
- 5.2. The Student Hub is responsible for receiving criminal conviction declarations and for processing them in a secure way, in line with the Data Protection Policy. The Student Hub can also help you complete the Criminal Convictions Form.
- 5.3. King's College London Students' Union (KCLSU) can provide advice and guidance on completing the Criminal Convictions Form. They can also assist or represent you if you are required to attend a meeting to discuss your criminal convictions, as outlined in [section 9](#).
- 5.4. The Director of Student Recruitment and Admissions is responsible for confirming the action to be taken in the case of criminal convictions declared on the form.
- 5.5. The Academic Director and the Assistant Registrar – Education are responsible for conducting meetings with applicants or students declaring criminal convictions to ascertain whether the convictions represent a risk to our wider community.

6. TRAINING, DISSEMINATION, AND IMPLEMENTATION

- 6.1. TEDI-London staff involved in this process will receive training on this policy and how to enact it.
- 6.2. This Policy will be available to all applicants, offer holders and students on our website.

7. MONITORING AND REVIEW

- 7.1. This Policy will be formally reviewed every three years by the Executive, the next review will take place in July 2024. If there are legislative changes in the interim period, this Policy will be updated to reflect these.

- 7.2. We will monitor compliance with the Policy on an annual basis.

PART B – PROCESS

8. PROCESS FOR CRIMINAL CONVICTIONS DECLARATIONS

- 8.1. We do not consider criminal convictions during the admissions process, in line with our Admissions Policy. Instead, we will ask offer holders to let us know in the Criminal Convictions Form whether they have an unspent conviction.
- 8.2. The Criminal Convictions Form requests details of the nature and date of the offence and relevant criminal conviction(s) including, where applicable the name of the court, date of conviction and the sentence/fine.
- 8.3. You do not need to declare convictions, cautions, warnings, or reprimands which are deemed 'protected' under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).
- 8.4. If you are not sure whether the conviction should be declared, you can speak to the Student Hub, who will be able to advise you. We suggest that it is better to declare if you are not sure of the status of the conviction, to allow TEDI-London to assess whether any actions need to be taken.
- 8.5. The Criminal Convictions Form will be received by the Admissions Team in confidence and will only be shared if further action is required in line with the process outlined in [section 9](#).
- 8.6. If you receive a new criminal conviction during your time at TEDI-London, you are expected to declare this using the Criminal Convictions Form. Your declaration will be processed in the same way as declarations from offer holders.

9. PROCESS WHEN CRIMINAL CONVICTIONS ARE DECLARED

- 9.1. On receipt of a Criminal Convictions Form which declares a conviction, either from an offer holder or a current student, the Admissions Team will make a preliminary assessment about the next steps. They will refer cases that are not straightforward or require more complex consideration to the Director of Student Recruitment and Admissions for their opinion.
- 9.2. When considering next steps, we will assess whether your conviction:

- 9.2.1. might prevent you from accessing any essential work or study placements (e.g., in partner organisations).
 - 9.2.2. could have an impact on the safety and well-being of staff, students, visitors, and others at TEDI-London by considering the likelihood of and risk posed if you reoffend or exhibit similar behaviour that gave rise to your conviction.
 - 9.2.3. might threaten our ability to exercise our safeguarding responsibilities and duties.
- 9.3. We may decide that no action required as the conviction is spent, or not included in the list of offences under section 4.4 Relevant Criminal Convictions.
- 9.4. You may be invited to meet with the Academic Director and the Director of Student Recruitment and Admissions to discuss the conviction. This meeting will be to assess whether the conviction has an impact on your ability to undertake a programme at TEDI-London, or whether this could have a detrimental impact on others in our community.
- 9.5. In the meeting, we will discuss with you the circumstances behind the conviction, and we will ask questions to ascertain whether there are any risks associated with you starting or continuing the programme, in line with the risks outlined in 9.2.
- 9.6. We will confirm the outcome of this meeting to you in writing. The possible outcomes are:
- 9.6.1. you should still be allowed to join or continue the programme.
 - 9.6.2. your offer or your place on the programme will be withdrawn.
 - 9.6.3. your case can be referred to the Student Disciplinary Policy.

10. FAILURE TO DISCLOSE CRIMINAL CONVICTIONS

- 10.1. One of our values is that we act with integrity; this is an expectation for all staff and students in our community. You have a duty to disclose information about any criminal convictions and we would consider an omission of information purposefully as a sign that you are not acting with integrity.

10.2. OFFER HOLDERS

- 10.2.1. The UCAS regulations and our Admissions Policy allow us to withdraw an offer if you make a material omission in your application which might have affected the basis of the decision on which the offer was first made. We therefore reserve the right to withdraw offers should we discover that you have omitted to provide this information.
- 10.2.2. The Academic Director and the Director of Student Recruitment and Admissions will decide in these circumstances whether we withdraw your offer or follow the process outlined in section 7.

10.3. CURRENT STUDENTS

- 10.3.1. We reserve the right to discipline current students who have misled us about their criminal convictions, using our Student Disciplinary Policy.
- 10.3.2. The Academic Director and the Assistant Registrar – Student Experience will decide in these circumstances whether we withdraw your place on the programme, invoke the Student Disciplinary Policy, or follow the process outlined in section 7.

11. RECORDING INFORMATION RELATING TO CRIMINAL CONVICTION

- 11.1. The Student Hub will be responsible for ensuring all information relating to the declaration of criminal convictions is handled appropriately. They will ensure that information is confidential and not made available to colleagues unless there is a legitimate reason.
- 11.2. Access to correspondence relating to criminal conviction will be restricted to staff directly involved in the process.

12. APPEALS PROCESS

- 12.1. If you are dissatisfied with the outcomes at any stage of this process, you can use the Admissions Appeals process, which is outlined in the Admissions Policy.

13. FURTHER INFORMATION

- 13.1. The website for the charity [UNLOCK](#) contains information for applicants and students with criminal convictions and the charity can provide independent advice and support.