

 S P Jain London School of Management	Consideration of Applicants and Students with a criminal conviction
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1. Introduction

- a. This Policy is designed to ensure that the SP Jain London School of Management provides a safe environment for all its staff and students. It has a legal obligation with regard to Health and Safety to exercise this duty of care. As part of this, the School will ensure that students do not have a criminal conviction that may pose a risk to others.
- b. The School will consider all information relating to criminal convictions in a sensitive and confidential manner in accordance with the School's Data Protection Policy.

2. Scope of the regulations

- a. This policy enables the School to consider applications from those who have declared relevant unspent convictions as part of the application process or as part of their ongoing enrolment.
- b. Students who are convicted of a criminal offence following their admission to the School may also be considered under the Student Disciplinary Regulations once the review of their criminal conviction has been completed.

3. Policy statement on the enrolment of students with criminal convictions

- a. The School is committed to ensuring that its higher education provision is available to all who will benefit from it. In this context, having a criminal record will not necessarily mean that an applicant cannot be admitted to their chosen [programme or a student cannot continue on a programme following a conviction.
- b. The School will only require disclosure of relevant unspent convictions which may pose a risk to the health and safety of other students and staff. In this context, relevant unspent convictions, whether received in the UK or elsewhere are related to:
 - i. 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.
 - ii. Damage to property, public disorder, robbery,
 - iii. Fraud and other dishonest behaviour
 - iv. Harassment and racially aggravated offences
 - v. Sexual offences, including those listed in the Sexual Offences Act 2003.
 - vi. The unlawful supply of controlled drugs or substances where the conviction concerns

commercial drug dealing or trafficking (drug offences only involving possession are not relevant offences).

- vii. Offences involving firearms or other offensive weapons including knives etc.
 - viii. Offences involving arson.
 - ix. Offences involving terrorism.
- c. The School must balance fairness to the individual with its duty of care to provide a safe and secure environment for its staff, its students, visitors and others.
 - d. In considering whether to allow initial or continued enrolment, account will be taken of the applicant's/students qualifications, experience, and overall profile. The School will also consider whether the criminal record gives reasonable grounds for considering that the individual poses a real threat to the safety of staff, students, visitors or others involved in School business. The School reserves the right to refuse to admit or to cease the enrolment of individuals, where it believes that their criminal record makes it inappropriate for them to be admitted to the School or to continue to be enrolled.
 - e. The School reserves the right to decline to admit an applicant to a course or to end the enrolment of a student if it discovers, at any time, that their application/enrolment was based on, or contained, false, incomplete, or misleading information relating to criminal convictions.

4. Requirement for disclosure at during the admissions/enrolment process

- a. Once an offer has been made to an applicant, they will be asked to confirm that they do not have any relevant criminal convictions.
- b. Disclosure will also be required as part of the initial and subsequent enrolment process.

5. Offer holders who declare a conviction

- a. Where offer holders have declared a relevant conviction, they will be asked for the details surrounding the conviction, together with any mitigating circumstances. The applicants will also be asked to supply two character references including, where relevant, that of a probation officer.
- b. If an applicant fails to respond by the specified date, the offer will be withdrawn. This date will be set taking into account any relevant UCAS or other deadlines for applications.
- c. If at any stage, by any means, information subsequently reveals a relevant criminal conviction that has not been previously declared, the offer may also be withdrawn.
- d. Upon receipt of the further information, the Admissions Administrator shall refer all information, including the Application Form where relevant, any accompanying documentation and details of the nature of the offence(s) and conviction(s), to the Registrar who will convene a panel as set out below.

6. Current students who declare a conviction

- a. Students who declare a relevant conviction during enrolment either through online enrolment or another process such as mitigation, or where it otherwise comes to light that they have a conviction, will be referred to the Criminal Convictions Panel as set out below.
- b. Students will be asked to supply further information for the details surrounding the

conviction, together with any mitigating circumstances. They will also be asked to supply two character references including, where relevant, that of a probation officer.

- c. Following consideration by the Criminal Convictions Panel, the student may be subject to disciplinary proceedings under the Student Disciplinary Regulations.

7. Panel to consider criminal convictions

- a. The Panel shall consist of three senior members of staff including the Dean (in the Chair), the Director of Student Experience and a senior faculty member.
- b. The Panel's duty is to determine whether the conviction is a risk to other members of the School community.

8. The Panel meeting

- a. The Panel will meet within 21 days of receipt of the information referred to in Section 6 or 7 (above).
- b. In arriving at a decision the panel will review:
 - i. Application form/academic record
 - ii. Statement if submitted
 - iii. Character references
 - iv. Any other supporting information submitted
- c. The panel will make a decision taking into account the following overarching principles to judge whether the offence(s):
 - i. Constitute, or not constitute, a risk to the safety and/or wellbeing of other members of the School community that is inconsistent with the School's duty of care.
- d. In reaching its judgement, the Panel shall take into account the following:
 - i. Whether the criminal record has any bearing on the individual's suitability to be a member of the student body;
 - ii. The length of time since the offence(s) was committed;
 - iii. Whether the individual has re-offended and, if so, whether there is a pattern to the re-offending;
 - iv. The circumstances surrounding the offence;
 - v. Whether the individual's circumstances have changed in any significant way since the time of the offence(s);
 - vi. The individual's explanation of the offence;
 - vii. Evidence submitted by the individual, or referees, of good character.
- e. The Panel must reach a decision based on the balance of probabilities, based on all of the facts available at the time.

9. Panel recommendations

- a. The panel may make the following recommendations:
 - i. To allow an applicant to enrol on the course subject to other entry criteria being met;
 - ii. To place specific conditions on an applicant's enrolment;

- iii. To request further information from the applicant/student regarding the offence;
 - iv. To withdraw the offer;
 - v. To allow a current student to continue with the course;
 - vi. To allow a current student to continue with the course subject to specific conditions;
 - vii. To withdraw a student from their course;
 - viii. To refer the student to a Student Disciplinary Panel.
- b. In all cases the panel will take into account the reasonable interests of all concerned and the proportionality of any decision.
- c. The Registry will keep a record of the panel decision.

10. Procedures if an applicant/student does not submit a statement.

- a. If the applicant/student does not submit a statement and/or supporting information to the panel and does not communicate the reason for their non- submission, the Chair of the Panel will consider whether sufficient effort was made to contact the applicant and request the required information and so whether the Panel should:
- i. proceed in the absence of the statement **or**
 - ii. adjourn the panel to give the applicant one further opportunity to submit further information.

11. Suspension of a current student

- a. Where a student is considered an immediate risk to the School community, they may be suspended in accordance with the provisions in the Student Disciplinary Regulations.
- b. A student may also be suspended if they fail to provide information about the conviction for consideration by the Criminal Conviction Panel.

12. Notification of the panel's decision to the applicant

- a. The applicant/students will be notified in writing of the Panel's decision within five working days of the outcome of the Panel meeting.

13. The Right of Appeal

- a. An applicant has a right of appeal against the decision of the Panel. Appeals against the decisions of the Panel will only be considered on the following grounds:
 - i. the decision to not admit the applicant was not commensurate with the seriousness of the conviction;
 - ii. the findings of fact in support of the decision were manifestly perverse;
 - iii. the Panel was not conducted in accordance with these procedures;
 - iv. new evidence has been made available that could not be available at the time of the Panel and which could have been expected to have materially affected the decision of the Panel.
- b. Current students have a right of appeal on the above grounds in accordance with the Appeals Policy.

14. Procedure for the appeal

Current students

- a. Current students should use the Appeals procedure as set out in the Appeals Policy.

Applicants

- a. Applicant's wishing to appeal against the decision of the Panel should make the appeal in writing to the Registrar stating in full the grounds for the appeal. The appeal must be submitted within 20 working days after receipt of the letter informing the student of the decision of the Panel.
- b. The Registrar will reject any appeal against the decision of the Panel that has not been lodged in accordance with the time period set out above or which does not demonstrate one of the grounds for appeal set out in 14 above. In that event, the Registrar will send a letter to the appellant as soon as possible setting out the decision and the reasons for it.
- c. Where the appeal has been lodged appropriately, the Registrar will then review the findings of the Panel to ensure that they are reasonable and that there was no error in the findings or the procedure.
- d. Where there is new evidence this will be referred back to the Panel for consideration who will review it in line with the procedures set out above. The Panel will consider all further information submitted by the applicant. Following the completion of the Panel Meeting, the Panel may decide:
 - i) To reconsider the original decision; or
 - ii) To recommend that the original decision should stand.
- e. The Registrar will decide upon the appeal and the decision will be final.

Secure storage, handling, use, retention and disposal of disclosures and disclosure information

- a. The School is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and is stored and handled appropriately and in accordance with the provisions of data protection legislation. Disclosure information will only be shared with those who are authorised to receive it in the course of their duties.
- b. Disclosure data on criminal convictions must be treated as special category data the General Data Protection Regulations and the Data Protection Act (2018). A brief summary of the offence and the decision of the Panel will be retained by the School in accordance with the appropriate Privacy Notice. All other information will be destroyed.

15. Related policies and procedures

Appeals Policy

Data Protection Policy

Fitness to Study Policy

Guidance for Dealing with Unacceptable Behaviour Policy

Health, Safety and Wellbeing Policy

Student Code of Conduct