

# Declaration of Criminal Convictions and Proceedings (Applicant) Policy

## 1. Introduction and values

- 1.1. Queen Mary University of London ('Queen Mary' 'QMUL', 'we', 'the University') is an inclusive university, committed to opening the doors of opportunity for our students and applicants. We acknowledge that our applicants come from a range of diverse backgrounds.
- 1.2. A criminal conviction will not necessarily prevent an offer of admission to the university. However, the University must be made aware of any relevant information (set out in section 4) to assess any risks to the wellbeing and safety of our community and, where required, to put in place appropriate restrictions.

## 2. Purpose

- 2.1. The policy sets out what applicants must declare, when they should declare this and how they make a declaration in relation to a criminal conviction or criminal proceedings.
- 2.2. This policy also sets out how the University will consider the information it receives from applicants and the decisions the University may take considering the disclosures.

## 3. Legislative context

- 3.1. The UK [Rehabilitation of Offenders Act 1974](#) establishes the legal basis for when criminal convictions become 'spent'.
- 3.2. The Information Commissioner's Office provide the legal outline for assessing criminal convictions data under conditions 10 (Preventing or detecting unlawful acts) and 18 (Safeguarding of children and of individuals at risk) in DPA 2018 Schedule 1; and the condition in Article 6(1)(b) and/or 6(1)(e) GDPR.

## 4. Scope

- 4.1. This policy is applicable to all applicants to Queen Mary University of London.
- 4.2. Applicants who have an unspent criminal conviction must declare this. We also ask applicants to declare where they are the subject of ongoing criminal proceedings or investigations.
- 4.3. Applicants applying to be an international student must declare all convictions, cautions and reprimands for assessment of visa sponsorship.
- 4.4. Additional requirements apply to students or applicants for some programmes within the Faculty of Medicine and Dentistry. These are set out in Section 9 of this policy.
- 4.5. The policy does not apply to enrolled students. Where any Queen Mary student is subject to a police investigation or criminal proceedings, or receives a criminal conviction during the course of their studies, this should be reported to the Head of the Appeals, Complaints & Conduct Office. The matter will be considered in line with the Student Discipline Policy and the Academic Regulations.
- 4.6. This policy does not apply to staff with a criminal conviction. In relation to staff recruitment, Queen Mary maintains [a separate policy statement](#) addressing its approach to applicants with a criminal record.
- 4.7. Relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar.
- 4.8. Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or violent offender orders (VOOs) are not classed as convictions, unless you have contested a PND or breached the terms of an ASBO or VOO and this has resulted in a criminal conviction.
- 4.9. Criminal convictions can become 'spent'. This is defined by [The Rehabilitation of Offenders Act 1974](#). In some cases, a conviction may never become spent. The [UK Government's guidance on rehabilitation periods](#) sets out when convictions become 'spent'. Spent convictions do not need to be declared to the University, except where programmes are subject to DBS clearance. Further details on this can be found in section 9.
- 4.10. Once an applicant has received an offer from the University, they are also asked declare to the University any pending investigations or charges. For example, where an applicant is aware of a police investigation about their conduct, or they have been charged with a crime and are awaiting a hearing.

## 5. Principles

- 5.1. Queen Mary understands that applicants have the right to be considered innocent until proven otherwise, and that being subject to an investigation or hearing may not result in a conviction. The disclosure of a pending matter will not automatically prevent a student or applicant from studying at Queen Mary. We ask applicants declare this information so that we can give you consistent advice and realistic expectations about how this disclosure may impact your studies, from the start of your journey at Queen Mary.
- 5.2. We understand that any restrictions that result from a conviction or criminal proceedings may affect the decisions you make about your studies, and we aim to give you information about any likely actions so that you can make informed choices.
- 5.3. Failure to inform the University of relevant information about an unspent conviction or criminal proceeding or investigation at the appropriate time may lead to withdrawal of your offer or deregistration from programme at the University.
- 5.4. In line with the Academic Regulations, where a student secured admission to Queen Mary based on qualifications, documents or statements that are found to be false or cancelled, the student's registration will be terminated. If a student is found to have made a misleading or false disclosure, or failed to make a relevant disclosure required under the Terms & Conditions, Academic Regulations or other University policy, their registration may be terminated.
- 5.5. If an applicant makes a partial or late disclosure, the University will assess the circumstances and information provided at each stage, in line with the procedures set out in this policy. The University reserves the right to withdraw an offer of admission supplied as false information, or omitted relevant information. No further application will be considered from an applicant who has been found to have supplied falsified information.
- 5.6. The University will keep any information disclosed by a student, applicant or relevant third party, confidential and will only give access to members of staff who need this to decide about an application or enrolment. Once evaluation of the information supplied is complete a summary will be and supporting documents will be disposed of confidentially. Where the disclosure relates to an ongoing matter, records may be retained until the conclusion of the proceedings or investigation and all subsequent internal procedures. The summary information will be retained for a period of six years for applicants who are not permitted to enrol and for a period of six years from the date of leaving the university for students who are permitted to enrol.
- 5.7. If an applicant requires a visa to study in the UK, they will be required to declare any criminal conviction as part of the visa application process. When requesting a

Certificate of Acceptance for Studies (CAS), which applicants will need from the University to apply for a visa, Queen Mary will ask you to declare any criminal convictions you have so that we can give you relevant advice. We may decide that it is not possible to sponsor a student to study at Queen Mary and will refuse to issue a CAS.

- 5.8. EU and Overseas (non-UK) students will be required to undertake and pass a UK DBS check for any course for which this is a requirement, including courses that are delivered on non-UK campuses.
- 5.9. As a registered visa sponsor, Queen Mary may be required to notify the Home Office where a student sponsored under the University student route sponsor system has provided false or incomplete information, in accordance with our sponsor duties.

## **6. Making a disclosure**

- 6.1. Applicants must disclose a conviction that is unspent when the University has made an offer on a programme (other than those requiring a DBS check, as specified above) and the applicant has accepted the offer. Applicants will be asked to complete a [short form](#) to provide details. The University may also request consent to contact relevant stakeholders to obtain the required information, for example probation officers.
- 6.2. The University also requests applicants to disclose any pending criminal proceedings or investigations. This is to provide applicants with accurate information and realistic expectations about the likely impact of receiving a conviction during their studies.
- 6.3. If an applicant is convicted of a relevant criminal offence after having received and accepted an offer to study at Queen Mary but before studies commence, applicants must notify the Admissions team and provide details of the conviction. We may contact you to request further information, if required.
- 6.4. Enrolled students must notify the [Appeals, Complaints & Conduct Office](#) (ACCO) of any criminal proceedings or unspent convictions once known. Disclosures from enrolled students will be considered in line with the Student Discipline Policy and Academic Regulations. Therefore, this policy does not apply to enrolled students.

## **7. Assessment of disclosures by applicants/offer holders: Criminal convictions**

- 7.1. Where an applicant makes a disclosure either at the point of application for programmes where this is required or after an offer is made, the Director of Admissions or their nominee will undertake an initial evaluation of the information

provided.

- 7.2. The Director of Admissions, or their nominee will decide either:
  - a) that the criminal conviction declared is not relevant and no further action is required; or
  - b) that the criminal conviction declared may be relevant to enrolment at the University. A criminal conviction may be relevant to the programme of study or research for which an applicant has applied or it may be relevant to a non-academic aspect of joining the University. For example, it may be relevant only to an application to live in university accommodation. Where the information declared is considered relevant, it will be referred to a criminal convictions assessment panel.
- 7.3. The criminal convictions assessment panel ('the panel') will consist of at least three members of senior professional services staff whose roles involve individual student case work, and normally include one representative from the relevant Faculty, and the Student Experience and Governance & Legal Services directorates.
- 7.4. The panel will normally be convened within two weeks of receipt of complete information from the applicant and relevant third parties.
- 7.5. The panel will evaluate the information provided by the applicant and relevant third parties and will normally make one of the following decisions:
  - a) the applicant is permitted to join the programme applied for and enrol with no restrictions.
  - b) the applicant is permitted to join the programme applied for and enrol, but specific restrictions may be placed on their choice of modules or other activity, such as options for a placement year or year abroad or limitation on access to or use of resources.
  - c) the applicant is permitted to join an alternative programme and enrol with no further restrictions.
  - d) the applicant is permitted to join the programme applied for and enrol with no restrictions on their academic activity, but the panel may recommend that independent scrutiny takes place if they apply to live in university accommodation.
  - e) the applicant is not permitted to join the university and their application is withdrawn.
- 7.6. In reaching a decision, the panel must have regard to the following factors:

- a) The applicant's age at the time of the offence;
- b) How long ago the offence took place;
- c) Whether it was an isolated incident or a pattern of offending;
- d) What else is known about the applicant's conduct before and since the offence;
- e) Mitigating factors cited by the applicant;
- f) Any perceived risk to members of the Queen Mary community;
- g) Any requirements placed on the applicant, including but not limited to:
  - i. A requirement that they reside at a certain place;
  - ii. A requirement to their making or maintaining contact with a person;
  - iii. A restriction on their participation in, or undertaking of, an activity, which may include use of computers or other electronic devices or attendance at non-approved places of worship;
  - iv. A requirement that they participate in, or co-operate with, a programme or set of activities, including such that address addiction or behavioural issues;
  - v. A requirement that they comply with curfew arrangements;
  - vi. A restriction on their freedom of movement, which is not a curfew;
  - vii. A requirement relating to their supervision in the community by a responsible offer.
- h) For international students, the appropriateness of sponsorship (for a visa).
- i) The panel may also consider any other relevant factors in its decision making.

7.7. The Panel will review a disclosure fully on its own merit on an individual basis and process information in line with legal, regulatory and University requirements. The decision provided by the Panel on its review of the declaration is final and there will be no recourse to an appeal unless there is evidence of procedural error where the process leading to the decision being appealed against was not conducted in accordance with Queen Mary's procedure above. Any appeals on such grounds should be made under the University's Admissions Appeals and Complaints Policy.

## **8. Assessment of disclosures by applicants/offer holders: Criminal proceedings or investigations**

- 8.1. Where an applicant is aware of a police investigation about their conduct, or they are awaiting hearing, an assessment will take place by the University.
- 8.2. A risk assessment will be completed by a panel of at least four staff including representatives from the Appeals, Complaints & Conduct Office, Student Wellbeing, the School/Institute you are applying to study at, and a Designated Safeguarding Officer (DSO) (who may be one of these representatives, or a separate member of the panel if none of the representatives are DSOs).
- 8.3. The risk assessment panel will recommend any restrictions that they consider necessary to ensure the safety of the Queen Mary community. Any restriction will be of a temporary nature, while the matter is pending and any restriction/s will be reviewed if there are any developments, or at the conclusion of the proceedings. The onus is on the applicant to keep the panel informed of all developments.
- 8.4. In some cases, the panel may decide that an applicant/offer holder is not able to commence their enrolment until the court has reached a decision about your case. This deferral of enrolment will only occur where the allegations are sufficiently serious for the panel to reasonably conclude that there is a potential risk to the safety and wellbeing of the Queen Mary community. This approach recognises the right of innocence until proven guilty and, at the request of the applicant/ offer holder, the panel would reconsider an application once the case has concluded.
- 8.5. The panel may also make recommendations aimed to support an applicant during their studies, considering the information disclosed.
- 8.6. Any actions that are recommended by the panel will align with the Student Discipline Policy, which explains the procedures that are followed when an enrolled student is subject to a police investigation or criminal proceedings.

## **9. Programmes within the Faculty of Medicine and Dentistry**

### ***Professional, Statutory and Regulatory Body (PSRB) Programmes***

- 9.1. For certain programmes within the Faculty of Medicine and Dentistry, applicants will be required to declare convictions or charges when an application is submitted. This applies to programmes requiring registration with the General Dental Council, General Medical Council and The Health and Care Professions Council, these programmes are also subject to Fitness to Practice requirements. At Queen Mary, this includes applicants who apply for an undergraduate or graduate entry programme in Medicine or Dentistry, including BSc Oral Health, and certain postgraduate programmes involving PSRB registration. For more information on

our DBS policy, programmes that require a DBS check and how to apply are [available on the QMUL website](#).

- 9.2. Applicants to these programmes must declare any criminal conviction regardless of whether it is spent or unspent. Where required, applicants will be prompted to declare any criminal conviction they have in the application process. As a UK legal requirement, applicants joining these programmes will be required to pass a Disclosure and Barring Service (DBS) check before they are permitted to enrol. As part of the DBS check, applicants must declare a criminal conviction regardless of whether it is spent or unspent, apart from offences considered “filtered” under the UK Government’s [DBS guidelines](#). For programmes where a DBS check is required, specific consideration will be given to the legal and regulatory frameworks governing the medical or dental profession.
- 9.3. Declaration of criminal convictions disclosed on these programmes will be considered in line with Faculty of Medicine and Dentistry Policy on disclosure of criminal conviction/caution, which can also be found on the Policy zone webpage.

***All other programmes in the Faculty of Medicine and Dentistry***

- 9.4. For other programmes which do not require PSRB registration or completion of a DBS check, applicants will be required to declare a relevant unspent criminal conviction in line with this policy in the same way as any other applicant.

## **10. Review**

- 10.1. This policy will be reviewed at least every three years.
- 10.2. Minor updates to this policy that do not affect the rules, principles or intent of this policy may be approved by the Chief Governance Officer and University Secretary.

## Policy Information and Document Control

<b>Policy title</b>	Declaration of Criminal Convictions and Proceedings (Applicant) Policy
<b>Version number</b>	Version 1
<b>Related policies and procedures</b>	FMD Criminal Convictions Policy (latest version available via the <a href="#">Policy Zone</a> ) <a href="#">Terms and Conditions</a> Academic Regulations (latest version available via the <a href="#">Policy Zone</a> ) Student Discipline Policy (latest version available via the <a href="#">Policy Zone</a> ) Admissions Appeals and Complaints Policy (latest version available via the <a href="#">Policy Zone</a> ).
<b>Superseded policies</b>	This policy replaces the previous 'Criminal Convictions Policy'.
<b>Approval level</b>	Education Quality and Standards Board (EQSB)
<b>Approval date</b>	Approved by Chair's Action, January 2025
<b>Effective date</b>	January 2025
<b>Next review due</b>	June 2025 (and every 3 years thereafter).
<b>Policy owner</b>	Jane Pallant, Director of Governance and Legal Services
<b>Policy contact</b>	Admissions Team for queries from applicants: <a href="https://www.qmul.ac.uk/contact/admissions/">https://www.qmul.ac.uk/contact/admissions/</a>

## Version Control

Version	Date	Reason for updates/Summary of key changes
1	December 2024 / January 2025	Policy developed.