

# Declaration of Criminal Convictions Risk Assessment Policy and Procedure for Students and Offer Holders

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## Important Notice

Due to vacancies in key roles, the following adjustments to the Policy and Procedures will be made until vacancies are filled:

- All instances of Head of Registry will become Academic Registrar.
- All instances of Academic Registrar will become Registrar.

## Scope

1. This Policy applies to all existing University students (students), regardless of their fee or immigration status, on the following programmes and offer holders (offer holders) of Northeastern University London (the University).
  - 1.1. Mobility courses
  - 1.2. Undergraduate double degree programmes
  - 1.3. Postgraduate taught programmes (from 2023-24)
  - 1.4. Degree apprenticeship programmes (from 2023-24)
  - 1.5. Postgraduate research programmes from (2023-24)
2. For students registered on other programmes being delivered by the University, please refer to the Policy on Canvas.
3. This Policy and Procedure has been written using guidance from [Supporting Professionals in Admissions](#) and the [UK Quality Code Theme: Admissions, Recruitment and Widening Access](#), ensuring that the College is being fair and transparent to all students and offer holders who go through the process.

## Introduction

4. The University aims to provide a supportive and positive environment for work and study. It values the contributions of all students and staff. It is committed to ensuring that the rights of individuals are respected, and that each person is treated with dignity, respect and courtesy at all times.
5. While promoting equality of opportunity, the University has a responsibility to provide a safe environment for its students and staff. To this end, all offer holders and students are required to declare any relevant unspent criminal convictions or pending court cases for violent, sexual, drug related or other serious offences which include firearms, arson or terrorism which may pose a risk to the University, its student and staff

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community. Further information about spent and unspent convictions can be found [here](#) (as these time limits may be subject to change, applicants should satisfy themselves that they are complying with current requirements).

6. All offer holders and students who require a visa to study in the United Kingdom are required to declare all criminal convictions or pending court cases. For more information on International Students, please refer to the [Student Route Visa and International Students Admissions Policy](#).
7. This procedure involves consideration of the University's duty of care to students and staff, and its commitment to individual human rights, the right to an education and the right not to be discriminated against as protected under the Rehabilitation of Offenders Act 1974. All cases will be considered on an individual basis and in a fair and equitable manner.
8. In accordance with the 1974 Rehabilitation of Offenders Act, the following guidelines and procedures should be followed by all students and offer holders declaring a relevant criminal conviction that has not been spent (note, this procedure will also apply to those who have failed to declare a conviction but are found to have one). In applying these procedures, the University will be observing the rehabilitation periods as set out in Section 5 of the Act and, as a consequence, any convictions that are regarded as spent will be ignored.
9. All relevant information relating to a disclosure of a criminal conviction will be retained by the Head of Registry. In accordance with University policy, such records will be kept for 13 months after the student has completed their studies or left the University.
10. In the case of the University receiving information, regarding an offer holder or student having an undeclared unspent criminal conviction, from members of the public; School or College; family; other offer holders/students or anonymously, the information will be handled carefully and with great caution. If the information regarding the nature of the criminal conviction is significant enough to withdraw an offer or withdraw the student from their programme, the University will contact the offer holder/student and investigate the allegation. The allegation must be confirmed by a third party, such as an external verifier. If the information is found to be correct, then the procedure outlined below will be followed.

## Pending Charges or Court Cases

11. All offer holders or students who have pending charges or court cases must inform the University of their position at the earliest opportunity.

12. The offer holder or student will be asked to complete the [Declaration of Criminal Convictions Form](#) and return it to the [Head of Registry](#).
13. The Head of Registry will consult with the Head of Admissions or Academic Registrar, and confirm on one of the following outcomes:
  - 13.1. Offer holders - their University application will be paused while a risk assessment is undertaken, except if the offer holder is a student requiring a study visa and their application will be paused until their pending case is concluded.
  - 13.2. Students -
    - 13.2.1. Initiate the Criminal Conviction Risk Assessment Procedures - Students
    - 13.2.2. Recommend to the CEO and Dean of Northeastern University London (the Dean) to suspend the student until the conclusion of the pending charge or court case.

## Criminal Conviction Risk Assessment Procedures - Offer Holders

14. On receipt of a declaration form with the criminal conviction box ticked, admissions staff will inform the Head of Admissions. The Head of Admissions will establish if the criminal conviction box has been ticked in error.
  - 14.1.1. If the box has been **ticked in error** and the offer holder does not have a relevant criminal conviction, this assurance must be gained in writing, for audit trails purposes, and to amend their record, the offer can be processed in the normal way.
  - 14.1.2. If the box has **not been ticked in error**, the Head of Admissions will send a copy of this policy and procedure, a letter and a declaration form to the offer holder that will be returned directly to the University's Head of Registry.
15. On receipt of the completed declaration form, the Head of Registry will begin the procedure for dealing with offer holders with criminal convictions.

### Stage 1: Receipt of a Declaration of Criminal Convictions Form

16. On receipt of the [Declaration of Criminal Convictions Form](#), the Head of Registry will review the document and determine whether the offence(s) is unspent and relevant. If the conviction is unspent and relevant the procedure will commence. Minor offences of offer holders are not relevant and will be disregarded at this stage and the offer will be progressed.
17. If a conviction is thought to be relevant and unspent, the Head of Registry will proceed to Stage 2.

## Stage 2: Criminal Convictions Risk Assessment Group

18. The Head of Registry will inform the Academic Registrar or nominee, who will set up a Criminal Convictions Risk Assessment Group (CCRAG). The CCRAG will comprise of three from a group of senior staff selected by the Academic Registrar. The Academic Registrar shall appoint the Chair of the CCRAG and the Secretary. The Academic Registrar may nominate themselves as the Chair of CCRAG.
19. The CCRAG has responsibility for deciding if an offer is withdrawn from an offer holder who has declared a relevant criminal conviction. All cases will be considered on an individual basis. The CCRAG will treat all offer holders in a fair and equitable manner.
20. The following factors will also be taken into consideration in order to consider risk:
  - 20.1. The nature of the offence and if this has any bearing on the offer holder's suitability to be a member of the student body (e.g., violent, sexual or drug related crimes).
  - 20.2. The length of time since the offence was committed.
  - 20.3. The age of the offer holder when the offence was committed.
  - 20.4. The type/nature of the offence and is it a concern regarding the safeguarding of students and faculty.
  - 20.5. If there has been a history of repeat offending.
  - 20.6. Any mitigating circumstances which significantly impacted upon the offer holder at the time the offence was committed.
21. The Academic Registrar will have the responsibility for giving advice on the nature of the offence and for obtaining supporting information from authorities identified by the offer holder.
22. The CCRAG will be able to take the following actions:
  - 22.1. Suspend the procedure to gather more information and then reconvene the procedure.
  - 22.2. Withdraw the offer on the basis that the risk posed to students and staff is significant and cannot be properly managed.

- 22.3. Continue with the offer, without conditions relating to the conviction.
- 22.4. Establish certain conditions in order to manage an acceptable level of risk.
23. In such circumstances when a condition is required, the offer holder will be notified in writing, normally within 14 calendar days, and will be required to accept the conditions in writing, within 14 calendar days of receipt of the letter. The offer holder will also be made aware that certain members of the University community may need to be informed in order to enforce such conditions.
24. When it is decided that an offer is to be withdrawn on the basis of the criminal conviction declared, the offer holder will be notified in writing, normally within 14 calendar days, and will be made aware of the appeals procedure.
25. The CCRAG may also defer a decision where it is felt that more information is required in order to conclude the process. In such circumstances, the Head of Registry will be tasked with gathering further information including contacting the offer holder in the first instance. Expert knowledge is not normally required, but could be sought to advise the group, if helpful. The Head of Registry and the CCRAG will endeavour to keep any delay to a minimum throughout the procedure.

### Stage 3: CCRAG Appeal Review

26. An offer holder may appeal against the decision of the CCRAG as follows:
  - 26.1. Where an offer has been withdrawn.
  - 26.2. Where an offer has been made subject to a condition and the offer holder feels that the condition is unfair or disproportionate.
  - 26.3. Where the Declaration of a Criminal Conviction Risk Assessment Procedure has not been followed.
27. The offer holder should appeal in writing to the [Office of the Registrar](#) against the decision within 14 calendar days of receipt of the CCRAG decision and should establish the grounds of their appeal providing new substantial evidence that they wish to be considered. Where the offer holder is to gather evidence from a source from which a response in 14 calendar days may be unlikely (e.g., governmental body or probation service), the offer holder should inform the Head of Registry of the potential delay and an extension should be granted.
28. On receipt of the appeal letter and evidence, the Chair of the CCRAG will review the submitted documentation and decide whether the evidence submitted is new and substantial.

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29. If the evidence submitted is considered not to be new or substantial, the offer holder will be informed in writing, within 14 calendar days of the receipt of the appeal letter. This will be the end of the appeal stage.
30. If the Chair of the CCRAG deems the evidence to be new, substantial and appropriate to the case, the appeal will proceed.
31. At this stage, the appeal will be seen by the original CCRAG panel (see paragraph 15), who will have an opportunity to reconsider its decision in the light of the new information.
32. The CCRAG appeal review will have the following options available:
  - 32.1. To overturn the original decision and reinstate the offer.
  - 32.2. To overturn the original decision and make an offer subject to certain conditions.
  - 32.3. To reduce or amend conditions.
  - 32.4. To uphold the original decision.
33. The offer holder will be notified of the CCRAG's review in writing within 14 calendar days. In cases other than when the original decision has been overturned, the offer holder should also be made aware of Stage 4 of the Procedure.

### Stage 4: Criminal Conviction Risk Assessment Appeal Board

34. The offer holder will have the opportunity to pursue a Stage 4 Criminal Conviction Risk Assessment Appeal Board (CCRAB). The Board will be comprised of senior members of the University. All members will not have previously been involved in the original decision-making process and will involve a meeting of the new Board. The Registrar will Chair the Board and will be responsible for convening the Board.
35. The CCRAB will be comprised of the following staff:
  - 35.1. Registrar as Chair or their nominee.
  - 35.2. Chief Executive Officer or Dean.
  - 35.3. A senior member of staff not previously involved in the case.
36. The offer holder will be invited by the Registrar to attend the Board, giving them an opportunity to make their appeal in person. The offer holder will have the opportunity to be accompanied by a family member or friend. The offer holder should provide details of this companion to the Chair of the Board seven calendar days prior to the hearing date.
37. Where the offer holder does not wish to attend in person, written representation may be provided. Written representations and further evidence must be provided seven calendar days before the hearing date.

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38. The offer holder will be given 14 calendar days' notice of the hearing date. The offer holder may seek to have the hearing date changed in cases where they can show good cause (e.g., work commitments, previous engagements etc.).
39. The offer holder should notify the Chair of the reasons for their non-attendance if they wish to request a new hearing date; and an alternative mutually convenient date will be arranged as soon as possible. However, if the Chair does not accept the reasons given or the offer holder does not respond, the hearing will take place in their absence.
40. The findings of the Stage 3 CCRAAG Appeal Review and the original decision of the CCRAAG will be presented to the Board by the Chair of the CCRAAG. The Chair of the Board will notify the offer holder in writing within 14 calendar days of their decision. This decision is final.
41. The offer holder will receive a "Completion of Procedures" letter which will include the dates of the procedures.
42. All relevant information relating to the disclosure of the criminal conviction will be retained by the Head of Registry. In accordance with University Policy, such records will be kept for a period of 13 months after the final appeal.

## Criminal Conviction Risk Assessment Procedures - Students

43. In the case of a student, they should inform the Head of Registry of their criminal conviction immediately, who will initiate this Policy. The student's progress will be halted if they indicate that they have been convicted of a criminal offence. The student will be provided with a copy of this Policy and Procedure, a letter and [Declaration of Criminal Convictions Form](#) to return to the Head of Registry.
44. In the event that an enrolment has been completed and it is subsequently discovered that a student has a criminal conviction that they did not declare, the Disciplinary Procedure for Students will be followed.
45. On receipt of the completed declaration form, the Head of Registry will begin the procedure for dealing with the student with criminal convictions. The student should not attend any University teaching or events, at the University, or off-site, while the procedure is in progress.

### Stage 1: Receipt of a Declaration of Criminal Convictions Form

46. On receipt of the [Declaration of Criminal Convictions Form](#), the Head of Registry will review the document and determine whether the offence(s) is

unspent and relevant. If the conviction is unspent and relevant the procedure will commence. Minor offences committed by students are not relevant and will be disregarded at this stage and the student can continue with their studies.

47. If a conviction is thought to be relevant and unspent, the Head of Registry will proceed to Stage 2.

## Stage 2: Criminal Convictions Risk Assessment Group

48. The Head of Registry will inform the Academic Registrar or nominee, who will set up a Criminal Convictions Risk Assessment Group (CCRAG). The CCRAG will comprise of three from a group of staff selected by the Academic Registrar. The Academic Registrar can nominate themselves as the Chair of CCRAG. The Academic Registrar shall appoint the Chair of the CCRAG and the Secretary.
49. The CCRAG has responsibility for deciding if the student can continue on their programme of study, involves consideration of the University's duty of care to students and staff, its commitment to an individual's right to an education, and the right not to be discriminated against as protected under the Rehabilitation of Offenders Act 1974. All cases shall be considered on an individual basis. The CCRAG shall treat all students in a fair and equitable manner.
50. The following factors shall be taken into consideration in order to consider risk:
  - 50.1. The nature of the offence and if this has any bearing on the student's suitability to be a member of the student body (e.g., violent, sexual or drug related crimes).
  - 50.2. The length of time since the offence was committed.
  - 50.3. The age of the student when the offence was committed.
  - 50.4. The type/nature of the offence and is it a concern regarding the safeguarding of students and faculty.
  - 50.5. If there has been a history of repeat offending.
  - 50.6. Any mitigating circumstances which significantly impacted upon the student at the time the offence was committed.
51. The Academic Registrar will have the responsibility for giving advice on the nature of the offence and for obtaining supporting information from authorities identified by the student.
52. The CCRAG will be able to take the following actions:
  - 52.1. Suspend the procedure to gather more information and then reconvene the procedure.

- 52.2. Refuse to allow the student to continue on their programme on the basis that the risk posed is significant and cannot be properly managed.
  - 52.3. Establish certain conditions in order to manage an acceptable level of risk.
53. In such circumstances when a condition is required, the student will be notified in writing, normally within 14 calendar days, and will be required to accept the conditions in writing, within 14 calendar days of receipt of the letter. The student will also be made aware that certain members of the University community may need to be informed in order to enforce such conditions.
54. When it is decided that a student is to be withdrawn from their programme of study on the basis of the criminal conviction declared, the student will be notified in writing, normally within 14 calendar days, and will be made aware of the appeals procedure.
55. The CCRAG may also defer a decision where it is felt that more information is required in order to conclude the process. In such circumstances, the Head of Registry will be tasked with gathering further information including contacting the student in the first instance. Expert knowledge is not normally required, but could be sought to advise the group, if helpful. The Head of Registry and the CCRAG will endeavour to keep any delay to a minimum throughout the procedure.

### Stage 3: CCRAG Appeal Review

56. A student may appeal against the decision of the CCRAG as follows:
  - 56.1. Where a student has been withdrawn.
  - 56.2. Where a student feels that the condition is unfair or disproportionate.
  - 56.3. Where the Declaration of a Criminal Conviction Procedure has not been followed.
57. The student should appeal in writing against the decision within 14 calendar days of receipt of the Criminal Convictions Risk Assessment Group's decision and should establish the grounds of their appeal providing new substantial evidence that they wish to be considered. Where the student is to gather evidence from a source from which a response in 14 calendar days may be unlikely (e.g., governmental body or probation service), the student should inform the Head of Registry of the potential delay and an extension should be granted.

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58. On receipt of the appeal letter and evidence, the Chair of the CCRAG will review the submitted documentation and decide whether the evidence submitted is new and substantial.
59. If the evidence submitted is considered not to be new or substantial, the student will be informed by writing, within 14 calendar days of the receipt of the appeal letter. This will be the end of the appeal stage.
60. If the Chair of the CCRAG deems the evidence to be new, substantial and appropriate to the case, the appeal will proceed.
61. At this stage the appeal will be reviewed by the original CCRAG (see paragraph 15), which will have an opportunity to reconsider its decision in light of the new information.
62. The CCRAG appeal review will have the following options available:
  - 62.1. To overturn the original decision and reinstate the offer or allow to continue studying.
  - 62.2. To overturn the original decision and make an offer subject to certain conditions.
  - 62.3. To reduce or amend conditions.
  - 62.4. To uphold the original decision.
63. The student will be notified of the review in writing as soon as possible. In cases other than when the original decision has been overturned, the student should also be made aware of the Stage 4 of the Procedure.

### Stage 4: Criminal Conviction Risk Assessment Appeal Board

64. The student will have the opportunity to pursue a Stage 4 Criminal Conviction Risk Assessment Appeal Board. This Board will be comprised of senior members of the University who have not previously been involved in the original decision-making process and will involve a meeting of the new Panel. The Registrar will Chair the Board and will be responsible for convening the Board.
65. The Final Appeal Panel will be comprised of the following staff:
  - 65.1. Registrar as the Chair or their nominee Chief Executive Officer or Dean.
  - 65.2. A senior member of staff not previously involved in the case.
66. The student will be invited by the Registrar to attend the Board, giving them an opportunity to make their appeal in person. The student will have the opportunity to be accompanied by a family member or friend. The student should provide details of this companion to the Chair seven calendar days prior to the hearing date.

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67. Where the student does not wish to attend in person, written representation may be provided. Written representations and further evidence must be provided seven calendar days before the hearing date.
68. The student will be given 14 calendar days' notice of the hearing date. The student may seek to have the hearing date changed in cases where they can show good cause (e.g., work commitments, previous engagements etc.).
69. The student should notify the Chair of the reasons for their non-attendance if they wish to request a new hearing date; and an alternative mutually convenient date will be arranged as soon as possible. However, if the Chair does not accept the reasons given or the student does not respond, the hearing will take place in their absence.
70. The findings of Stage 3 and the original decision of the CCRAAG will be presented to the Board by the Chair of the CCRAAG. The Chair of the Board will notify the student in writing within 14 calendar days of their decision. This decision is final.
71. The student will receive a "Completion of Procedures" letter which will include the dates of the procedures. The letter will also contain Office of Independent Adjudicators contact details and the precise date for the OIA deadline, should they wish to appeal the outcome. OIA does not receive complaints from applicants or offer holders.
72. All relevant information relating to the disclosure of the criminal conviction will be retained by the Head of Registry. In accordance with University policy, such records will be kept for a period of 13 months after Final Appeal.

## Version History

<b>Title: Declaration of Criminal Convictions Risk Assessment Policy and Procedure for Students and Offer Holders</b>				
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