

Prospective Students:

Criminal Convictions Disclosure Policy

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This policy reflects current UK legislation and will be updated in line with any legislative changes.

1. Introduction

SAE UK promotes the values of being an inclusive higher education provider, and therefore do not ask any prospective students to declare any criminal convictions at time of their application.

However to best ensure the welfare and safeguarding of our staff and students, at the stage of conditional offer, we will ask all prospective students whether they have any unspent criminal convictions at time of application, that is, an unspent conviction is one which has not yet reached its defined time from the date of conviction (not the offence).

2. Policy purpose, scope and application

2.1 Purpose and scope

This policy covers all applicants that will be made an offer to study at SAE Institute and will be studying on campus. This does not extend to any courses which are wholly delivered online.

We will also only ask applicants to notify of any unspent convictions, i.e. an unspent conviction is one which has not yet reached its defined time from the date of conviction (not the offence) and would appear on a basic criminal check.

It is unlawful to subject an applicant to any “prejudice” because of a conviction which is considered spent after a specified period of time, under the Rehabilitation of Offenders Act 1974. This is also known as the “rehabilitation time”.

2.2 Application

This policy outlines the process should such a declaration be made, which will be applied fairly and consistently, in line with recent legislative requirements, and with confidentiality and sensitivity.

3. Key principles

In dealing with all disclosures of a criminal conviction, **we will observe** the principles of the Rehabilitation of Offenders Act 1974 and all data protection legislation.

If an unspent criminal conviction is declared, we will follow a confidential process to sensitively and fairly assess the declaration and the applicant's suitability to study at SAE and discuss the outcome with the applicant accordingly.

Any applicant that may be refused entry to study will have the right to appeal the decision and seek a second hearing.

4. Policy guidelines

A criminal conviction does not normally preclude an applicant from admission to a course offered by SAE UK unless:

- The course leads to employment in an occupation covered by the Rehabilitation of Offenders (Exceptions) Order 1975.
- The applicant may in the view of the Institute pose a threat to staff, students, or clients.

The unspent conviction will be assessed and considered for the following:

- Our duty of care towards staff and students.
- The nature of the course to which the candidate has applied.
- The date, nature and seriousness of the offence committed.
- The circumstances of the offence.
- Whether the applicant has provided evidence of sustained rehabilitation following the conviction and/or subsequent good behaviour.
- Supporting documentation from probation officers, social workers or any other professional staff.

The review process is outlined in the Appendix.

Should an application be declined on the basis of an unspent or serious conviction, the prospective applicant has the right to appeal for a second independent review.

5. Approval policy

This Policy is supported by the ELT and pending approval by Board.

6. Related references

UCAS:

<https://www.ucas.com/undergraduate/applying-university/criminal-convictions-what-you-need-know>

Unlock: An independent charity that supports and provides resources/ information to people with a previous criminal record

<https://www.unlock.org.uk/>

UK Government guidance:

<https://www.gov.uk/guidance/rehabilitation-periods>.

7. Further assistance

If any prospective students have any questions regarding this policy, these can be raised via UKAdmissions@sae.edu.

8. Revision history

Version Control

Issue Date:	Summary of Changes	Review Date
March 2021	New policy	March 2023

9. Document protocol

Document I.D.	
Responsibility	Director of Student Recruitment and Admissions, SAE UK HR Business Partner, SAE UK
Initial Issue Date	March 2021

Appendix: Review of Unspent Convictions Procedure

Key Personnel Responsibilities:

- Admissions Team:
 - Process the application.
 - Consider and assess conviction declarations.
 - Communicate with the prospective student.
 - Gather appropriate information.
 - Refer to the Director of Student Recruitment & Admissions (DSRA) or nominee.
 - Complete the application process.

- Director of Student Recruitment & Admissions (DSRA), or nominee in their absence:
 - Review and consider the information and risk of the application.
 - Ensure that the Institute is acting lawfully.
 - Decide whether an application can be accepted.
 - Communicate with prospective students in the event of a decline application and advise the right to appeal.
 - Arrange and refer where necessary to a panel for decision making.

Process:

STEP 1: Admissions - Assessment of the unconditional offer response

- Admissions will identify that the Unspent Convictions box has been ticked by a prospective student. (DSRA), or nominee in their absence:
Reference should be made to: <https://www.gov.uk/guidance/rehabilitation-periods>.
 - If the conviction is considered “spent”, no further action is required, and the application can continue.
 - If the declaration is for an unspent conviction, a Letter to Request Further Info for an Unspent Conviction should be sent to the applicant.
 - If the member of staff is unsure, they should refer the application to the DSRA (or nominee) for further guidance.

STEP 2: Admissions - Submission of the application for referral

- On receipt of a response from the applicant, the application, the response and any additional information/ supporting evidence should be forwarded to the DSRA – in encrypted format.

STEP 3: DSRA – Decision regarding the application

- The DSRA will review the information and determine whether:
 1. It is safe to proceed with the application, and request that an offer of an interview or confirmation of a place can be made, in accordance with the usual admissions procedures.
 2. The application should be declined due to specific determined grounds. The DSRA would write to the applicant to advise them of their decision and the Appeals process (outlined later).
 3. To request an interview with the applicant in order to seek further clarification/ information in order to reach a decision on this matter.
- In serious cases or where there may be doubt, the DSRA may refer the case to be heard by Panel, within 14 days of the criminal conviction disclosure.
 - The Panel should comprise of the DSRA and two members of the Regional Leadership Team.
- The DSRA or Panel where appropriate, should use the following criteria in determining whether the application may proceed:
 - The seriousness, nature and date of the offence committed.
 - The circumstances of the offence.
 - Whether the applicant has provided evidence of sustained rehabilitation following the conviction and/or subsequent good behaviour.
 - The nature of the course applied to in relation to the offence.
 - Supporting documentation provided by the applicant from probation officers, social workers or any other professional staff.
 - Our duty of care towards staff, students, visitors, and the ability to enforce any necessary safeguarding measures.
 - Potential reputational risk to the Institute.
- The application is formally rejected if the final decision is that it is potentially unsafe to proceed.
- The DSRA will formally record any Panel minutes and the final decision, which should be conveyed to the applicant in writing within five working days.
- An applicant may appeal within 14 days of the decision to the email contact outlined in the outcome letter, outlining the reasons for the appeal and offering any supporting evidence/ documentation.
- An appeal review will be conducted by a member of the Regional Leadership Team not previously involved in the decision process. Their decision will be submitted to the applicant within five working days of being made and will be final.

Criminal Convictions Disclosure – Email templates

Request for information:

Dear

We are contacting you having received your completed 'Offer Acceptance' letter. Your offer letter had stated that you have unspent criminal convictions, and in line with our 'Criminal Convictions Disclosure Policy' we are requesting further information relating to the offence(s).

As per our 'Criminal Convictions Disclosure Policy' the information you submit will be used to review your application and suitability to join SAE xxxxxx on the xxxxxx course. Please provide as much supporting evidence as possible regarding your unspent convictions so we are able to ensure a timely response and resolution.

Please submit all supporting information to: ukadmissions@sae.edu

If you are unsure what to provide us to support your application, please contact us at the above email address.

Regards

Confirmation of declined application:

Dear xxxxx,

I am writing to you in relation to your application to join SAE xxxxx. During the application process, we ask for any unspent criminal convictions to be disclosed and requested that additional information regarding this be provided.

After careful consideration, I regret that we will not be accepting your application to study at SAE xxxxx.

If you believe there is supporting evidence which has not been shared with us, and you would like to appeal the decision of this outcome, please forward this to me, as well as the grounds of your appeal, to my email address: xxxxxxxxxxxx.

You have 14 days from receipt of this email to submit an appeal, which will be considered by a member of the SAE Leadership team who has not been involved in this decision process so far.

Thank you for considering SAE Institute.

Regards

End