

## Criminal Record Disclosure Policy (Student Admissions)

<b>Policy Category:</b>	Academic
<b>Subject:</b>	King's College London's policy on the collection and consideration of applicant criminal record disclosures at the point of admission to the university.
<b>Approving Authority:</b>	SMT
<b>Responsible Officer:</b>	Vice President (Education & Student Success) and the Executive Director, Students & Education
<b>Delegated Authority:</b>	Admissions Service Management Group
<b>Related Procedures</b>	<a href="#">Criminal Record Disclosure Procedure (Student Admissions)</a>
<b>Related College Policies:</b>	<a href="#">Admissions Policy</a> , <a href="#">Non-Academic Misconduct Policy</a>
<b>Effective Date:</b>	1 <sup>st</sup> October 2021
<b>Supersedes:</b>	January 2014
<b>Next review:</b>	January 2024

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### I. Purpose & Scope

King's College London is committed to attracting students from diverse social backgrounds who have the potential to succeed on our programmes of study. It is committed to creating an inclusive environment that promotes equality of opportunity for everyone in its community and values the diversity of its student body. The university recognises that some applicants applying to the university may have a criminal record. Having access to education can be an important part of rehabilitation and having a criminal record is not an automatic bar to enrolment.

This policy clarifies the circumstances when a criminal record disclosure is required during the admissions process. The aim is to enable applicants who have made a criminal record declaration to progress to higher education and to enable staff to appropriately consider the safeguarding needs of the King's community. This policy should be used alongside the [Criminal Record Disclosure Procedure \(Student Admissions\)](#).

This policy has been reviewed and updated in consideration of and compliance with [UK General Data Protection Regulation \(GDPR\)](#), the [Data Protection Act \(2018\)](#) and the [Rehabilitation of Offenders Act \(1974\)](#), and any other legislation which might be in force from time to time.

This policy applies to applicants to the university and all programmes and modules that are assessed using the King's Apply Admissions Portal. This includes, but is not limited to:

- i. All undergraduate programmes;
- ii. All postgraduate taught programmes;
- iii. All postgraduate research programmes;
- iv. King's Foundations and Pre-sessional English Programmes;
- v. King's Online;
- vi. Incoming Study Abroad applications;
- vii. Medical Electives.

## II DEFINITIONS

**Enhanced Disclosure and Barring Service check (enhanced DBS check)** – A suitable criminal records check required for those working with children or adults at risk in environments such as healthcare settings. The certificate issued, once the check is completed, details spent and unspent convictions and cautions that are held on the Police National Computer, which are not subject to filtering. The barred lists are checked, and information held by relevant police forces is included. [More information can be found here.](#)

**Spent convictions** - Under the [Rehabilitation of Offenders Act 1974](#), eligible convictions or cautions become ‘spent’ after a specified period, known as the ‘rehabilitation period’. See government guidance on [rehabilitation periods](#) and [disclosure](#).

**Unspent convictions** - Before the rehabilitation period is complete, convictions or cautions are “unspent”. Unspent convictions are always disclosed on a DBS check.

**Protected and filtered cautions and convictions** - Under [certain criteria](#), some convictions will become “protected” under the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(as amended in 2013 and 2020\)](#). Protected cautions and convictions will be “filtered” from a DBS check and will not appear on a DBS certificate. Legally, applicants are not obliged to inform the university of protected convictions that will be filtered.

**Regulated programmes** - Programmes leading to occupations exempt from the [Rehabilitation of Offenders Act \(1974\)](#). These are in subject areas involving working with children and adults in healthcare settings and teaching. An enhanced DBS check is required to study on these programmes and this requirement is published on the [online prospectus](#).

**Regulated activity** - Some university activities or optional modules require students to interact with vulnerable adults and children. These are described as regulated. An enhanced DBS check is required to participate.

**Licence or monitoring conditions** - The set of rules people must follow if they are released from prison but still have a part of their sentence to serve in the community. [More information can be found here.](#)

## III Policy

### 1. Introduction

- 1.1. This policy sets out when applicants to the university are required to disclose a criminal record and the responsibilities of those involved in the admissions process. It aims to enable applicants who have a criminal conviction to progress to higher education and appropriately considers the safeguarding needs of the King’s community. Information regarding the university’s process for considering a criminal record declaration can be found in the [Criminal Record Disclosure](#)

[Procedure \(Student Admissions\)](#) which should be used in conjunction with this policy.

## **2. Responsibilities**

### ***The University***

- 2.1 The King's Admissions Office will ask for a criminal record declaration when applicants apply to study. This will only be applicable to regulated programmes or modules that contain regulated activity. A criminal record declaration will not be asked of applicants applying to programmes or modules that do not contain regulated activity.
- 2.2 For optional modules that contain regulated activity, it is the relevant department's responsibility to ask for criminal record information and to conduct an enhanced DBS check.
- 2.3 Upon receiving a criminal record disclosure, the university will allow applicants the opportunity to provide details about the circumstances surrounding their conviction for consideration via a criminal record disclosure form.
- 2.4 On receipt of a criminal record disclosure the King's Admissions Office or the responsible department will ensure data is kept:
  - i. confidentially, in line with the [King's Privacy Notice](#) and the King's Apply Privacy Notice;
  - ii. in adherence to university [retention schedules](#);
  - iii. restricted to individuals at King's College London who are required to consider the information for admissions purposes.
- 2.5 The King's Admissions Office will give due consideration to the criminal record disclosure only if an offer is to be provided to the applicant as outlined in the [Criminal Record Disclosure Procedure \(Student Admissions\)](#).

### ***Applicants***

- 2.6 Applicants required to make a criminal record declaration must do so at the soonest possible point in the admissions process and to the best of their knowledge to allow for appropriate consideration to take place.
- 2.7 Applicants applying to regulated programmes, must engage with the enhanced DBS check process and adhere to stipulated deadlines. This includes, but is not limited to, providing relevant documents in a timely manner, using [King's Apply](#) to check for updates and meeting deadlines. Failure to engage with the process and complete an enhanced DBS check to deadlines can result in withdrawal of an offer and place.

2.8 Where an enhanced DBS check reveals details of an undisclosed criminal record, either before the start of the programme or post enrolment, this may result in withdrawal of an offer or a place, or the termination of studies.

### **3. Regulated programmes and modules that contain regulated activity**

3.1 Having a criminal record does not automatically bar applicants from accessing regulated programmes or modules with regulated activity, but additional consideration will be required before admittance.

3.2 Applicants must declare, when asked, if they have any criminal records that are not protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (amended in 2013 and 2020). Examples of criminal records that need to be declared include but is not limited to:

- i. cautions;
- ii. reprimands and final warnings;
- iii. bind over orders or similar;
- iv. fixed penalty notices;
- v. penalty notices for disorder;
- vi. Antisocial Behaviour Order (ASBOs) or criminal behaviour orders (CBOs);
- vii. Violent Offender Order (VOOs).

3.3 If there is a change in circumstance and a criminal record is acquired after the point of application but before the point of enrolment, applicants must inform the university using [King's Apply](#) to allow for due consideration to take place.

3.4 Applications to the university will be assessed in line with the university's [Admissions Policy](#). Criminal conviction information will not have any bearing on the holistic assessment of an application and will only be considered if the applicant is to be made an offer. See [Criminal Record Disclosure Procedure \(Student Admissions\)](#) for more information on the process of considering a criminal record disclosure.

### **4. Programmes and modules that are not regulated**

4.1 Applicants applying to programmes or modules that are not regulated, will not be asked to declare a criminal record during the admissions process.

4.2 However, applicants applying to programmes that are not regulated are encouraged to disclose their criminal record if they are subject to any licence condition or monitoring restriction that could affect their ability to successfully complete their studies. Applicants wishing to disclose a criminal record, should contact the university via [King's Apply](#) in the first instance to seek advice and guidance.

4.3 Applicants applying to programmes or modules that are not regulated who have an unspent conviction and would like advice or guidance to support an application should contact the admissions team via [King's Apply](#).

## **5. Other services and post enrolment**

- 5.1 Applicants applying to or using other services at the university such as King's Residences, may be asked to declare their criminal record as part of these processes. Different policies may apply in relation to the declaration of a criminal record.
- 5.2 The King's Admissions Office may communicate with some services at the university if enrolment conditions are imposed on an applicant after considering their criminal record. For example, King's Residences would be informed if restrictions to accessing university accommodation are imposed as part of the applicant's terms of enrolment.
- 5.3 Enrolled students selecting optional modules or placements that contain regulated activity may be required to undertake a DBS check to commence their studies. Applicants are advised to consult the programme specification for their chosen degree and review the modules available to them. Students are encouraged to discuss their options with the relevant departmental student support team. The department will facilitate the DBS checking process in line with the information, advice and guidance provided by the Admissions Office.
- 5.4 Once enrolled, students must inform their Faculty if they acquire a criminal record as per the [Non-Academic Misconduct Policy](#).

## **6. Failure to declare, untrue and inaccurate declarations**

- 6.1 If asked to declare a criminal record, applicants must make truthful and accurate declarations at the soonest possible point in the application process. The university may withdraw an application, offer of a place or if enrolled, terminate a student's registration under [Academic Regulation – G25](#) if they or a third party on behalf of the student is found to have provided untrue or inaccurate information, or to have omitted information during the application process.

## **7. Complaints and Appeals**

- 7.1 Applicants can make a complaint via the [Admissions Complaints procedure](#).
- 7.2 Applicants are also permitted to Appeal a final decision as per the [Admissions Complaints policy and procedure](#).

## **8. Policy Implementation and Review**

- 8.1 The King's Admissions Office will review this policy every 3 years from the point of approval and publication. However, should there be a change in relevant legislation, government or university policy before this point, the policy will be reviewed in line with this. The Admissions Manager (Policy) is responsible for monitoring changes that may impact this policy.

- 8.2 Outcomes of criminal record consideration meetings and criminal conviction risk assessments are collated, reviewed and monitored by the Admissions Manager (Operations) to evaluate compliance with and consistent implementation of the policy. More information regarding this process can be found in the [Criminal Record Disclosure Procedure \(Student Admissions\)](#).