

## Policy on the Admission, Registration and Enrolment of Ex-Offenders

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### 1. Overview and scope

- 1.1. Imperial College London is committed to the fair treatment of its students, potential students or users of its services, irrespective of race, gender, religion, sexual orientation, responsibilities for dependants, age, or physical/mental disability.
- 1.2. Having a criminal record will not necessarily bar an individual from studying at the University. Decisions regarding whether study will be permitted will depend on the nature of the programme of study and the circumstances and the background of an individual's prior offences. The University actively promotes equality of opportunity and welcomes applications from all candidates, including those with criminal records who demonstrate the required talent, skills and potential to succeed at the University. The University selects all candidates for interview/admission based on their skills, qualifications and experience.
- 1.3. This policy also applies to all registered students who are investigated regarding, or convicted of, a relevant criminal offence whilst studying, as well as those registered students returning or planning to return to the University after serving a custodial sentence.
- 1.4. This policy is published on the University website and available in the public domain. This policy is overseen by the Quality Assurance and Enhancement Committee (QAEC). All policies relating to admissions are made available to all applicants on receipt of an application to undertake a programme of study at the University and are set out in the University's terms and conditions. Regulations and policies relating to registered students are set out in the University's terms and conditions.
- 1.5. All data provided by applicants and registered students, including data related to criminal convictions, is processed in line with the University's [Privacy Notice for Students and Prospective Students](#).
- 1.6. For the purposes of this policy, processes relating to admissions are applied from the receipt of an application for a programme of study until an individual has completed their first registration with the University for that programme of study (which may be up to 30 days before the start date of the programme). Processes relating to students are applied from completion of first registration with the University for a programme of study until either: conferral of an award for the programme of study, completion of the programme (for non-award programmes), or withdrawal from the programme of study.

## **2. Admissions to programmes requiring a DBS or equivalent check**

2.1. Individuals who apply via the University and Colleges Admissions Service (UCAS) for the below listed programmes will be asked by UCAS to declare whether they hold any criminal convictions (including spent convictions) at the point of application:

- Medicine (MBBS & BSc) [A100]
- Medicine Graduate Entry (MBBS) [A109]

2.2. Admission to and continuation of enrolment on the programmes listed in paragraph 2.1 is subject to the Rehabilitation of Offenders Act (1974) Section 4(2) (Exemption) Order 1975 and DHSS Circular HC (88) 9 guidelines regarding child protection and police checks. As such, all admission/continuation periods will include the condition of submission of an enhanced Disclosure and Barring Service (DBS) check to be completed by a specific deadline as outlined by the University. Failure to do so, may lead to an application being rejected (post-offer) or initial registration with the University being withdrawn or suspended. Applicants who have never lived in the UK will be required to provide a Certificate of Good Conduct from their Government or police force in lieu of a DBS by the required deadline. We make every subject of a DBS aware of the existence of the [DBS Code of Practice](#) and [DBS-Privacy-Policies](#). In the event an offence is disclosed, this will be handled in accordance with the School of Medicine Policy and Procedure for DBS Certification.

2.3. As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Imperial College London will comply fully with the [DBS Code of Practice](#) and undertakes to treat all applicants for admission fairly. It undertakes not to discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

## **3. Admissions to programmes not requiring a DBS or equivalent check**

3.1. All applications to the University for admission to a programme of study other than those outlined in section 2<sup>(a)</sup> are considered on academic potential/suitability for the programme for which admission is sought independently of, and prior to, any request from the applicant to declare any prior relevant unspent criminal convictions.

3.2. Applicants who are made an offer of admission will be made aware that in accepting their offer they will enter into a contract with the University and the relevant terms and conditions, and governing policies of their contract will be made available to them. Applicants will be required to confirm that they wish to accept their offer and the associated terms and conditions, prior to any request to the applicant to declare whether they hold any "relevant unspent" criminal convictions.

## **4. Relevant criminal offences**

4.1. For the purposes of this policy "relevant unspent criminal convictions" for applicants and students are convictions for:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm, or offences which result in actual harm to an individual(s).
- Offences under the Sexual Offences Act (2003) (or comparable offences if committed outside England & Wales), and crimes associated with sexual exploitation or the organisation of sexual exploitation.
- The unlawful supply of controlled substances or drugs where the conviction concerns commercial drug dealing or trafficking.
- Offences related to harassment, blackmail or hate crime.
- Offences involving firearms or weapons.
- Offences involving arson.
- Offences under the Modern Slavery Act 2015 (and comparable offences if committed outside England & Wales).
- Offences concerning terrorism, including those under the Terrorism Act 2006 or the Counter-Terrorism and Security Act 2015 (and comparable offences if committed outside England & Wales)
- Any offence which would lead to inclusion on either the Children's Barred List or Adult Barred List if that offence was committed in England & Wales.

4.2. Applicants and students will not be required to declare any spent convictions. Information on the definitions of 'spent' and 'unspent' convictions can be found on the UK Government's [Guidance on the Rehabilitation of Offenders Act 1974](#) and on [NACRO's advice-service/support for individuals disclosing criminal records](#) .

## **5. Information collection and receipt**

5.1. The following question will be asked during the admissions process:

- Do you have any relevant unspent criminal convictions (link to list of relevant offences)? [Yes or No]

5.2. The following questions will be asked during the registration/re-enrolment process:

- Do you have any relevant unspent criminal convictions (link to list of relevant offences)? [Yes or No]
- Are you currently under investigation for any relevant criminal offences (link to list of relevant offences)? [Yes or No]

5.3. Information about relevant criminal offences may be received via other routes beyond the collection processes from applicants and students including, but not limited, to:

- Self-disclosure by a student or applicant,
- Information provided by a member of Imperial staff, another student, the Police (or other statutory body) or member of the public,
- Through the media,
- During student disciplinary proceedings,
- As a result of a DBS check carried out by the University<sup>1</sup>.

5.4. Any information provided via the routes described in paragraphs 5.1 to 5.3 will be referred to the Academic Registrar or their nominee, and the process in either sections 6 or 7 followed.

## **6. Procedure for all applicants**

6.1. Where information is received that an applicant has a relevant unspent criminal conviction the University will request that the applicant complete an unspent criminal conviction questionnaire. Where appropriate, an applicant will also be able to provide their consent for the University to contact a third party, such as a probation officer or social worker who can provide relevant comment/information. Information provided by the applicant is as a separate confidential cover independent of the application to entry to the University and will be submitted to a designated person within the University.

6.2. Evaluations of the information provided by an applicant will be considered in the context of a risk-based assessment that is both proportionate and relevant to the programme of study, balancing the interest of the applicant with the University's safeguarding duties and responsibilities. The University reserves the right to withdraw an offer of admission to the programme of study or not permit initial registration with the University (where the conditions of the offer of admission have been met), where the outcome of any assessment related to the unspent criminal conviction questionnaire are deemed to determine that granting admission/initial registration would either:

- pose an unacceptable level of risk to the University, its reputation, property, or community of staff, students and/or visitors, or,
- pose an unacceptable level of risk to the applicant in the context of their rehabilitation, or,

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<sup>1</sup> DBS checks are conducted for students for a variety of reasons, including: as a requirement for some programmes of study, for students conducting research in NHS settings, for outreach activities

- be contrary to the law or to the requirements of any relevant professional or other regulatory body with which the University must legally comply.
- 6.3. It is within the rights of any applicant to refuse to provide information related to their unspent criminal convictions. Where this is the case, the University reserves the right to withdraw an offer of admission to the programme of study or initial registration, on the basis of an undetermined level of risk with respect to the University's safeguarding duties/responsibilities and legal obligations.
- 6.4. Applicant declarations will initially be reviewed by the Director of Marketing, Recruitment and Admissions, with support from relevant senior staff, who may determine that either:
- the offence(s) presents little to no risk, in which case the proceedings are ended, or
  - that there is a level of risk that requires further evaluation. In this situation the case will be referred to the Academic Registrar (or nominee) who will convene a review panel that will normally include the Director of Student Services, Director of Campus Services and Senior representatives from either or both the Faculty and Department to which admission/initial registration is sought (e.g. Dean of Faculty, Head of Department, Faculty Senior Tutor, Director of Study or Programme Lead).
- 6.5. It may be determined that an interview or separate discussion with the applicant should be undertaken in order to reach an appropriate risk-based judgment/outcome on the nature of any previous offences. Where required, the applicant will be provided further information/an invitation to attend an interview where the relevant assessors would seek to ensure an open and measured discussion on the subject of any offence(s) or other matter(s) that might be relevant to the programme of study. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of admission/initial registration or disciplinary proceedings when registered as a student.
- 6.6. The outcome of the processes outlined in paragraphs 6.4 and 6.5 will be communicated/confirmed to the applicant. The outcome may be:
- Admission/initial registration is approved
  - Admission/initial registration is approved subject to additional conditions that will be confirmed to the applicant. These may include, but not be limited to; prohibited to use or be found on or in on-campus accommodation or child-care facilities, an occupational health referral or agreed schedule of meetings/appointments with the University Student Support services.
  - Withdrawal of offer of admission/initial registration. Where this is the case, the University will discuss the matter with the applicant and make clear the reasons

for the outcome prior to withdrawing their offer of admission/enrolment. The applicant will have the right to appeal this decision, which should be submitted in writing to the Academic Registrar within 10 days of the outcome being communicated. The Academic Registrar will then refer the appeal to either the office of the University President or Provost, whose review and decision will be final.

## **7. Procedure for students**

7.1. The student disciplinary process will be used to consider situations where:

- relevant unspent criminal convictions or investigation of relevant offences are declared during the process of initial registration for a programme of study with the University,
- relevant unspent criminal convictions or investigation of relevant offences are declared during any re-enrolment process for subsequent years of study,
- information regarding relevant unspent criminal convictions, or investigation of relevant offences are communicated to the University while registered as a student.

7.2. Where information is received that a student has a relevant unspent criminal conviction(s) or is under investigation for relevant offences, the University will make contact with the student through the mechanisms outlined within the student disciplinary process.

## **8. Students on remand, serving a custodial sentence, serving a community sentence, given bail or subject to electronic monitoring**

8.1. In circumstances where a student is put on remand or is serving a custodial sentence, their studies at the University will be automatically interrupted (detailed arrangements outlined in the Policy on Approved Interruptions of Study).

8.2. In circumstances where a student is given bail, serving a community sentence or subject to electronic monitoring ('tagging') they may be permitted to continue studying if the conditions imposed by the police station, court or order would practically permit this. Decisions regarding whether study is permitted will be made via the provisions in the student disciplinary process. Certain restrictions may be imposed. If continued study is not possible or permitted, the student will be placed on an interruption of studies (detailed arrangements outlined in the Policy on Approved Interruptions of Study).

8.3. Where a disciplinary case is made against a student on remand, serving a custodial sentence, serving a community sentence, given bail or subject to electronic monitoring, they would normally be made subject to the Student Disciplinary Procedure, as soon as relevant evidence is available, with the hearing arranged as soon as practical given the circumstances.

- 8.4. Students whose programme of study leads to provisional registration as a medical doctor will be considered under the University's [Procedure for the Assessment of Fitness to Practise Medicine](#). Taking the protection of the public as the paramount consideration, the Dean of the Faculty of Medicine shall decide whether restrictions should be placed on the student's activities. Any restrictions imposed shall remain in place until the Fitness to Practise Medicine Panel or the Dean of the Faculty of Medicine direct otherwise.
- 8.5. When a student returns to studying following a period of interruption due to serving a custodial sentence or being subject to electronic monitoring, a risk assessment will be carried out as part of the process to re-start their studies. The risk assessment should take the form of a review co-ordinated by Registry involving the following members of University staff: Academic Registrar (or nominee), Director of Student Services, Director of Campus Services, relevant Faculty Senior Tutor, representative of relevant Department(s), President of Imperial College Union (or nominee). The review will assess whether the criminal record of a student gives reasonable grounds for considering that the continuation of studies of the individual:
- Poses a real threat to the safety or property of staff, students, visitors, those coming into contact with the student during their studies or others involved in University business, or;
  - Would be contrary to the law or to the requirements of any relevant professional or other regulatory body, or;
  - Would bring the University into disrepute.
- 8.6. The review outlined in paragraph 8.5 may conclude continuation of studies should not be permitted or that access to certain University services should be restricted, depending on the circumstances of the individual case. Any such recommendations would require ratification through the provisions within the student disciplinary procedures.

## **9. Data Protection**

- 9.1. The provisions within this policy will be operated on a confidential and need-to-know basis with the key principle being the welfare both of the individual student and the University community as a whole. The University guarantees that information provided will only be seen by those who need to see it as part of the relevant evaluation process(es).
- 9.2. The University will ensure that those who are involved in the processes outlined in this policy will have received appropriate guidance and training to identify and assess the relevance and circumstances of offences in the context of relevant legislation relating to the recruitment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

- 9.3. All data related to criminal convictions and supplied to the University will be processed in accordance with the University's relevant privacy notices. For the purposes of any applicable data protection laws in England and Wales, including from 25 May 2018 the EU General Data Protection Regulation 2016/679 (GDPR), the University is the data controller of your personal data. The University has appointed a Data Protection Officer, who can be contacted via email at [dpo@imperial.ac.uk](mailto:dpo@imperial.ac.uk), via telephone on 20 7594 3502 and via post at Imperial College London, Data Protection Officer, Faculty Building Level 4, London SW7 2AZ. For more information about the University's data protection policies please refer to our data protection webpage <https://www.imperial.ac.uk/admin-services/secretariat/policies-and-guidance/guidance/>

## 10. Review

- 10.1 Each year, a report will be prepared for the Quality Assurance and Enhancement Committee on the number and general nature of cases, considered under this policy, identifying any general issues that have arisen.

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<b>Contact for queries:</b>		Head of Admissions and Director of Student Administration	
<b>Cross References:</b>		Data Protection Admissions Policies Faculty of Medicine Policy and Procedure for DBS Certification Student Disciplinary Procedures:	
<b>Notes and latest changes:</b>		Replaces: •Policy on programme of students who are remanded or given a custodial sentence whilst on course •Policy of the Admission of Ex-Offenders  Revised June 2023 to include provisions for registration and enrolment, incorporating the Policy on progress of students who are remanded or given a custodial sentence while studying. Formatting changes June 2024	