



## **Policy and procedure for the admission of applicants who disclose criminal convictions or who require Protecting Vulnerable Groups Scheme membership**

### **1. Purpose**

- 1.1 To set out the policy and procedures for processing applications from potential students who have disclosed one or more criminal convictions or from those requiring membership of the Protecting Vulnerable Groups (PVG) Scheme as part of their course of study, with the purpose of ensuring that any related information is used only as necessary to eliminate potential risks to the safety of the University community.

### **2. Scope**

- 2.1 This policy applies to all students of the University of Edinburgh, except for those whose course of study will be delivered entirely by online distance learning.
- 2.2 This policy covers relevant, unspent criminal convictions received by applicants in any country.

### **3. Definitions**

#### **3.1 Spent convictions**

If a person does not re-offend during their rehabilitation period, their conviction becomes “spent” (as defined by the Rehabilitation of Offenders Act 1974). The time period for a conviction to become “spent” depends on the nature of the offence and the type/length of sentence. A person who has become a rehabilitated person because a conviction is spent is treated for all purposes in law as if they had not committed or been charged with, prosecuted, convicted or sentenced for the offence. Further information on the provisions of the Rehabilitation of Offenders Act 1974 in Scotland can be found at <http://www.gov.scot/Topics/Justice/policies/reducing-reoffending/offender-rehabilitation>, and in respect of England and Wales at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/216089/rehabilitation-offenders.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216089/rehabilitation-offenders.pdf). Convictions that are spent are not considered to be relevant and an applicant should not disclose them, unless stated otherwise in this Policy.

Please note that certain offences are never spent, and that some programmes, detailed in Section 3.3 below, will be exempt from the Rehabilitation of Offenders Act 1974 and will require the disclosure of convictions in accordance with the regulations set out on the Disclosure Scotland website:

<http://www.disclosurescotland.co.uk>. These regulations clarify which convictions must be disclosed, and which are considered “protected” so that information can be withheld.

#### **3.2 Relevant convictions**

Sanctions which are regarded as ‘relevant criminal convictions’ for the purposes of this policy include offences in respect of which sentences are imposed by a court of law, cautions, admonitions, reprimands, final warnings, bind over orders or similar received in the UK, or equivalent convictions received in any other country; in relation to one or more of the following non-exhaustive list of relevant offences:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm;
- Offences listed in the Sexual Offences Act 2003 or the Sexual Offences (Scotland) Act 2009;
- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
- Offences involving firearms;
- Offences involving arson;
- Offences listed in the Terrorism Act 2006;
- Offences listed in Schedule 1 to the Protection of Vulnerable Groups (Scotland) Act 2007.

Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs), Fixed Penalty Notices (FPNs) or violent offender orders (VOOs) are not classed as relevant convictions, unless an applicant has a contested PND or has breached the terms of an ASBO, FPN or VOO and this has resulted in a criminal conviction.

Any conviction involving an offence similar to those set out above, made by a court outside the UK, which would not be considered as spent under the Rehabilitation of Offenders Act 1974 (see Section 3.1 above), is considered to be relevant and should be disclosed.

### **3.3 Programmes which are exempt from the Rehabilitation of Offenders Act 1974**

Programmes which involve regulated work with children and/or protected adults as defined in the Protection of Vulnerable Groups (Scotland) Act 2007 (“regulated work”) are exempt from the Rehabilitation of Offenders Act 1974, and applicants are required to disclose criminal convictions, including sentences and cautions (including verbal cautions), reprimands and bind-over orders, in accordance with the regulations set out on the Disclosure Scotland website: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). Applicants to these programmes will also be required to join the PVG Scheme or provide proof of current PVG Scheme membership (see the procedure set out in Section 6). Usually this will be required before the student can commence their studies, but for some programmes where work with children and/or protected adults does not begin until Year 2 of the programme or later, PVG Scheme membership will not be required until the start of the relevant academic year and information will be provided by the relevant School or College at the relevant time.

University of Edinburgh degree programmes requiring PVG Scheme membership are:

- MBChB Medicine
- MClintDent (dentistry programmes)
- Nursing
- Oral Health Sciences
- Social Work
- Teacher Education (including PGDE)
- Community Education
- Counselling

Other programmes may include optional modules or placements which would require a student to obtain PVG Scheme membership. Arrangements for students choosing these options to join the PVG Scheme are made by the relevant School or College when required.

In addition, PVG Scheme membership may be required for admission purposes by postgraduate students who intend to carry out research involving children and/or protected

adults as defined by the Protection of Vulnerable Groups (Scotland) Act 2007. Arrangements for such students to apply for PVG Scheme membership prior to admission will be made by the relevant School or College.

#### 3.4 **PVG Scheme**

The PVG Scheme is a membership scheme administered by Disclosure Scotland. It ensures that anyone who is to undertake regulated work is not barred from doing such work. All PVG Scheme members are subject to ongoing monitoring (continuous updating). This means that vetting information is kept up-to-date and if there is new information this will be assessed to determine if the individual has become unsuitable to do regulated work. Further information on the PVG Scheme is provided in Appendix 1.

### **4. Policy**

- 4.1 The University is committed to the rehabilitation of offenders, and recognises the value of higher education in supporting that process. However, the University has a responsibility to reduce the risk of harm or injury to students, staff and the wider public, and must therefore know about any relevant criminal convictions that an applicant has.
- 4.2 The University will use the Student Disclosure Assessment process to ensure that no student poses a risk to those with whom they interact during their studies. Details of the procedures associated with the Student Disclosure Assessment process are detailed in Section 10 below.
- 4.3 Applicants are required to disclose on their application form whether they have any relevant, unspent convictions. The University respects the privacy and human rights of applicants, and will not ask for information about convictions which are spent or which are not relevant as defined above, except where stated otherwise in this policy. Only applicants who are academically eligible for an offer of admissions will be asked to provide further information.
- 4.4 Applicants to programmes which are exempt from the Rehabilitation of Offenders Act 1974 (see Section 3.3 above) should be aware that criminal convictions should be disclosed in accordance with the regulations set out on the Disclosure Scotland website: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).
- 4.5 The University is committed to ensuring that all applications for study are treated fairly and equally, with the underlying principles that the admission decision-making process on the basis of academic grounds is always kept separate from the investigation and consideration of any criminal convictions.
- 4.6 Failure to disclose a relevant, unspent criminal conviction may result in the application being considered fraudulent. As such it would be dealt with under the terms of the University of Edinburgh's *Policy and procedure regarding admissions fraud*.
- 4.7 If an applicant is convicted of a relevant offence after they have submitted their application, they should contact the appropriate admissions office to inform them of this fact. Failure to do so may result in the application being considered fraudulent. As such it would be dealt with under the terms of the University of Edinburgh's *Policy and procedure regarding admissions fraud*.

## 5. Procedure for applicants to all programmes

- 5.1 All applicants to the University of Edinburgh are required to disclose if they have any relevant, unspent convictions on their application form, unless their programme of study will be entirely by online distance learning.
- 5.2 The academic selection procedure for applicants who have disclosed that they have a criminal conviction is identical to the process for all other applications.
- 5.3 Selection is carried out either by professional admissions officers or by academic selectors for specific programmes. For the purposes of this policy the term “admissions selector” will be used to cover both.
- 5.4 Applications are assessed against agreed selection criteria for each degree programme. Applications which meet the minimum entry requirements progress to a selection process in which each application received by the specified deadline is given full and equal consideration.
- 5.5 Only after the decision has been taken that an applicant is academically eligible to receive an offer of admissions will they be asked for further information about any criminal convictions they have disclosed. Those who are ineligible for an offer will not be asked to submit further information.
- 5.6 Before the offer is processed, the admissions selector will contact the applicant to ask for further information about the criminal conviction(s). A template email is provided in Appendix 3. Applicants will normally be asked to respond to the request within three weeks, and the application will be put on hold until the response is received. If an application is being considered close to the start date for the programme, a shorter timescale may be set.
- 5.7 In some cases the applicant will explain that they have ticked the box in error. If necessary, the applicant will be asked to confirm this in writing and the letter or email will be saved to the applicant’s EUCLID record to provide an audit trail. The offer will then be made as normal.
- 5.8 If the applicant provides information about a criminal conviction which is “spent” or which is not considered to be “relevant”, the admissions selector will inform the applicant that the criminal conviction they have disclosed will not be taken into account, and the offer will be made as normal. No information about the disclosed criminal conviction will be retained.
- 5.9 If the reply from the applicant reveals that they have a relevant criminal conviction, the applicant will be asked to obtain a Basic Disclosure from Disclosure Scotland, or an equivalent disclosure certificate from any country outside the UK in which he or she has lived for a period of 6 months or longer either during the past 10 years or since the age of 16. Information on how to obtain a Basic Disclosure and the costs involved is available on the Disclosure Scotland website: <http://www.disclosurescotland.co.uk/basicdisclosureonline/>. Information on how to obtain a disclosure certificate from a country outside the UK is provided in Appendix 2.
- 5.10 On receipt of the disclosure certificate, the admissions selector (with advice from Student Recruitment and Admissions if required) will take one of the following actions:
  - a) The offence is not considered to present a risk, and no referral to the Student Disclosure Assessment Panel (SDAP) is required. The offer is processed as normal.

Non-referral offences are normally but not limited to:

- Possession of Class B or C drugs for own use
- A public order offence resulting in a conditional discharge or admonition

However, persistent offences<sup>1</sup> in any of these categories may be referred to the SDAP as frequency might indicate an established pattern of offending. Where there is no referral to the SDAP, the decision of the admissions selector is final.

- b) The offence is considered to be serious, ambiguous or complex and a more formal assessment is required by the SDAP. The case will be passed to the Head of Admissions in Student Recruitment and Admissions who will arrange for the SDAP to consider in detail.

Automatic referral offences include but are not limited to:

- Use or supply of Class A drugs
- Sexual offences/assault
- Violent crimes
- Serious damage to property
- Serious fraud or theft

- 5.11 If an applicant does not respond to a request for further information the application cannot be progressed.
- 5.12 If an applicant is convicted of a relevant offence after they have submitted their application form but before they have matriculated, they must inform the appropriate admissions office as soon as possible. The admissions selector will follow the steps set out in Sections 5.6 – 5.10 above to determine whether the offence needs to be referred to the SDAP, or whether an offer can be made or a previous offer confirmed.
- 5.13 If an applicant has a relevant criminal conviction which is brought to the attention of the University after an offer has been made, but before the student has matriculated, the admissions selector will be asked to follow the steps set out in Sections 5.6 – 5.10 above to determine whether the offence needs to be referred to the SDAP or whether the offer can be confirmed.
- 5.14 If an applicant does not disclose that they have a relevant criminal conviction and it is later revealed that they should have, the application may be considered to be fraudulent and will be dealt with in accordance with the *Policy and procedure regarding admissions fraud*.
- 5.15 Applicants to programmes which are exempt from the Rehabilitation of Offenders Act 1974 (see the definition and list of programmes in Section 3.3 above) are required to disclose all criminal convictions they have received; in this context, all convictions are relevant and unspent. The process to be followed if an applicant to such a programme discloses a criminal conviction is described in Section 6 below.

## **6. Procedure for applicants to programmes which require PVG Scheme membership**

- 6.1 There are undergraduate and postgraduate countersignatories for the purposes of applications for PVG memberships or updates (“PVG Countersignatories”) in the College of Medicine and Veterinary Medicine and in the College of Humanities and Social Science. The

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<sup>1</sup> Normally where there have been five or more offences

PVG Countersignatories are responsible for the process of ensuring that the PVG Scheme is administered correctly.

- 6.2 Applicants who are eligible for an offer of admission to a programme which requires PVG Scheme membership will be given information on how to join the PVG Scheme with their offer of admission. In some cases, students will not be required to join the PVG Scheme until placements begin in the second year of their studies; however they will be provided with relevant information about the Scheme and how it works with their offer of admission so that they are fully informed of the PVG Scheme requirements before deciding whether to accept the offer.
- 6.3 In cases where the applicant has applied to a programme involving regulated work **and** they have indicated in their application that they have a criminal conviction, the applicant must be asked to join the PVG Scheme or provide evidence of current Scheme membership **prior** to any offer of admissions being made.
- 6.4 Applicants to programmes which require PVG Scheme membership before the programme begins will be sent a Disclosure Scotland PVG Scheme application and guidance notes when they firmly accept their offer. The guidance notes will specify whether they are required to be a PVG Scheme member in relation to regulated work with children, protected adults, or both children and protected adults.
- 6.5 Applicants must not join the PVG Scheme with respect to regulated work with children **AND** with vulnerable adults unless they will be undertaking both types of regulated work during the course of their studies on the degree programme to which they have applied.
- 6.6 If an applicant already has PVG Scheme membership for the appropriate type of regulated work, he or she will be required to apply for a PVG Scheme Record Update.
- 6.7 In addition to joining the PVG scheme, an applicant of any nationality who has been resident in a country outside the UK for a period of 6 months or more, either during the past 10 years or since reaching the age of 16, will be required to provide a criminal records check certificate or equivalent from each country where they have been resident. Further advice on obtaining overseas criminal records check certificates is provided in Appendix 2.
- 6.8 Any offer of admission to a degree programme requiring PVG Scheme membership from the outset of the degree programme must clearly state that the PVG Scheme membership is required before the applicant is able to commence studies.
- 6.9 Any offer of admission to a degree programme requiring PVG Scheme membership at some point during the degree programme, other than the outset, must clearly state when PVG scheme membership is required during the degree programme.
- 6.10 Applicants must submit the PVG Scheme application and any necessary overseas criminal records check certificates to the relevant admissions office or postgraduate office as soon as possible after firmly accepting their offer of admission where the degree programme requires PVG membership from the outset. If the documentation is not received in time for PVG Scheme membership to be obtained prior to matriculation, it may not be possible for the student to join the degree programme. In such cases, a student may be required to defer until the next start date for the programme. Applicants who are having difficulty providing the necessary documentation should contact the appropriate admissions office as soon as possible.

- 6.11 Undergraduate applicants accepting the University of Edinburgh's offer as their insurance choice should submit a PVG Scheme application only if their offer from the University of Edinburgh becomes their firm choice.
- 6.12 The PVG Scheme application must be accompanied by at least three forms of identification which confirm the applicant's name, date of birth, and current home address (e.g. passport, national identity card, driving licence, utility bill, rental agreement/mortgage, bank statement) together with payment for the application. A list of acceptable forms of identification is provided on the PVG Scheme application form.
- 6.13 If an applicant is unable to present their identification to the relevant PVG Countersignatory in person, they may send certified copies with their PVG Scheme application. In this case, the applicant should arrange for copies of these documents to be countersigned by a passport countersignatory. Information about acceptable passport countersignatories is available at: <https://www.gov.uk/countersigning-passport-applications>.
- 6.14 Where copies have been used, the PVG Countersignatory should satisfy him/herself that the passport countersignatory is a genuine person, and original documents should be verified by the PVG Countersignatory prior to the student commencing regulated work.
- 6.15 A certified translation will be required for all documents other than passports, identity cards and photographic driving licences which are used for identification purposes, if these are not written in English.
- 6.16 On receipt of the PVG Scheme application, the PVG Countersignatory will verify the details on the application and check the personal identification documents, before signing the application and forwarding it to Disclosure Scotland. The PVG Countersignatory should retain copies of the identification documents in order to compare the details with those on the PVG Scheme Record when it is received by the PVG Countersignatory.
- 6.17 Once the application has been processed by Disclosure Scotland, both the applicant and the University receive a copy of the PVG Scheme Record. The University's copy will be sent directly to the PVG Countersignatory who countersigned the application.
- 6.18 The PVG Scheme Record will detail the type(s) of regulated work in respect of which the individual is a PVG Scheme member (thereby confirming that they are not barred from regulated work of that type), whether or not the individual is under consideration for listing, and any vetting information.
- 6.19 If the PVG Scheme Record confirms Scheme membership, confirms that the individual is not under consideration for listing, and contains no vetting information, no further checks need to be carried out and the applicant can be considered suitable for entry and regulated work.
- 6.20 If the individual is listed, or is under consideration for listing, and/or the PVG Scheme Record includes vetting information, the case should be referred to the SDAP. Further information about the SDAP is provided in Section 10 below.
- 6.21 PVG Countersignatories should monitor the receipt of PVG Scheme applications and send reminder letters to applicants who have failed to submit the required paperwork in good time. Deadlines for the submission of PVG Scheme applications will vary, depending on the start date of the programme, but failure to return the paperwork by the deadline given could mean

that an applicant is unable to enrol on the programme and their offer may be withdrawn or deferred.

6.22 Applicants who are holding an offer for deferred entry will be asked to submit a PVG Scheme application or a PVG Scheme Record Update in the year they are intending to commence their studies.

### 6.23 **PVG Scheme Record Update**

If an applicant is already a PVG Scheme member in respect of the type of regulated work that they will undertake in their degree programme, they can apply for a PVG Scheme Record Update as proof of current Scheme membership.

The Scheme Record Update shows basic membership information including:

- The type(s) of regulated work in respect of which the individual is a PVG Scheme member (thereby confirming that the individual is not barred from that type of regulated work).
- Whether an individual is under consideration for listing (i.e. barring) for the type(s) of regulated work.
- The date the individual's PVG Scheme Record was last disclosed.
- A statement as to whether that Scheme Record contained vetting information.
- Either a statement confirming that no new vetting information has been added since the Scheme Record was last disclosed, or the date of each addition.
- Either a statement confirming that no vetting information has been deleted since the Scheme Record was last disclosed or the date of each deletion.

The PVG Scheme Record Update does not include any vetting information. If a Scheme Record Update indicates that vetting information exists for the applicant concerned, the applicant will be required to apply for a full Scheme Record. Providing the Scheme Record is applied for within 30 days of receipt of the Scheme Record Update, the applicant will need to pay only the difference in cost between the Scheme Record Update and the full Scheme Record.

## **7. Matriculated students who require PVG Scheme membership**

7.1 Matriculated students studying on a programme which does not automatically require PVG Scheme membership may also be required to become PVG Scheme members if they wish to study a module or to carry out research which involves regulated work. However, PVG Scheme membership is not an admissions requirement for these degree programmes, given that the decision to carry out regulated work with vulnerable groups is optional.

7.2 Where matriculated students are required to join the PVG Scheme, the application will normally be administered by the relevant College, in liaison with the School. In such instances, each College has responsibility for ensuring that there are appropriate mechanisms in place to make certain that PVG Scheme membership or a PVG Scheme Record Update (see Appendix 1) is obtained prior to this part of a student's studies. It is recommended that each College and School ensures that its ethical approval procedures make clear the relevant responsibilities and processes in relation to these issues.

## **8. On-going vetting**

8.1 After an individual has joined the PVG Scheme via the University of Edinburgh, Disclosure Scotland will continuously update their vetting information. Any new vetting information will



be assessed by Disclosure Scotland. If such information suggests that the individual may have become unsuitable for carrying out regulated work with children and/or protected adults, they will be placed under consideration for listing and the individual and the University, as an organisation with an interest in the individual, will be informed.

- 8.2 The outcome of Disclosure Scotland's considerations may result in the individual being barred from carrying out regulated work. In this instance, the student will be unable to undertake further placements involving regulated work and may, therefore, be unable to complete their studies. In this instance the case should be referred to the SDAP (see Section 10) which will assess whether, and on what basis, the student may remain a student of the University.

## **9. Leaving the University**

- 9.1 When a student who has registered via the University as a PVG Scheme member leaves the University, either on completion of their studies or having withdrawn, Disclosure Scotland should be notified that the University no longer has an interest in the individual's membership of the PVG Scheme. Template letters are provided in Appendix 3. Whilst the individual has a responsibility to inform Disclosure Scotland of this, in order to ensure that Disclosure Scotland is informed, PVG Countersignatories will provide lists of students in whose PVG Scheme membership the University no longer has an interest.
- 9.2 Should the University receive information regarding a PVG Scheme member in whom it no longer has an interest, the information should be returned immediately to Disclosure Scotland. On no account should the information be forwarded to a third party. The University will not retain any such information unless required to do so by law.

## **10. Student Disclosure Assessment Panel (SDAP)**

### **10.1 Remit**

The remit of the SDAP is to consider cases referred to it by the Head of Admissions, Student Recruitment and Admissions, and to make the final decision regarding admission of the applicant to the University.

The SDAP must consider whether admitting the applicant to the University and/or their chosen degree programme, might pose an unacceptable risk to others (both within and outside the University community), and whether, in the case of admission to a professional degree, there might be any impediment to progression into professional practice.

The SDAP has a responsibility to consider the best interests of the applicant in this context.

### **10.2 Membership**

Membership of the SDAP is limited in order to facilitate efficient and consistent decision-making. Membership consists of:

- Head of Admissions, Student Recruitment and Admissions
- Panel Secretary
- Deputy Secretary (Student Experience)
- Academic representative from the College, School or subject area(s) to which the student is seeking admission, or from the Office of Lifelong Learning as appropriate
- Head of Accommodation Services (or nominee)
- Academic representative from the School of Law with expertise in the field of Criminology

The SDAP is quorate when the following are in attendance:

- Deputy Secretary (Student Experience)
- Academic representative from the College or subject area
- Head of Accommodation Services (or nominee)
- Academic representative from the School of Law with expertise in the field of Criminology.

Exceptionally, and where it is deemed there is insufficient expertise within the SDAP to reach a decision, the SDAP may choose to co-opt one or more further members (with the relevant expertise) as appropriate.

### 10.3 SDAP process

10.3.1 All referrals to the SDAP should be made through the Head of Admissions, Student Recruitment and Admissions.

10.3.2 The Head of Admissions will request additional details from the applicant regarding the information contained in the disclosure, which will normally include:

- a written account from the applicant explaining the circumstances of the conviction(s)
- contact details for probation officers, police liaison officers or social workers involved in the case who can provide information related to the conviction and the applicant's rehabilitation

This information should be provided within 10 working days. If there is any difficulty in providing the information, the applicant should inform the Head of Admissions as quickly as possible and alternative arrangements can be discussed.

The applicant may also ask for up to two character references to be considered, and must provide contact details for the referees.

10.3.3 The Head of Admissions will request references or statements from those people who have been put forward by the applicant. On receipt of this information, the SDAP will be convened to consider the case. The applicant will be informed of the date when the SDAP meeting will take place. In exceptional circumstances, the applicant will be permitted to make a personal statement to the SDAP at the start of its meeting, although they will not be permitted to remain in the room for the rest of the meeting.

10.3.4 The criteria which the SDAP will consider in each case are as follows:

- a) Whether there is sufficient information available for the SDAP to make a decision.
- b) The nature of all the information in the Disclosure (whether conviction, reprimand, warning, caution or other relevant information).
- c) If the information includes a conviction, whether the conviction is spent, and whether it has been disclosed because the programme applied to is exempt from the Rehabilitation of Offenders Act 1974.
- d) Time elapsed since the entry on the Disclosure.
- e) Whether the applicant poses an unacceptable risk to the University community (including the wider community, and anyone the applicant would come into contact with on a placement).
- f) Whether, through the information provided to the SDAP, the applicant demonstrates the potential to abide by the University rules and regulations and accepted standards of behaviour.

- 10.3.5 In reaching its decision, the SDAP must consider each of the above criteria. Where the applicant has submitted additional information, this should help inform the SDAP's decision.
- 10.3.6 The SDAP reserves the right to seek independent legal advice should it believe that to be necessary. In such a case, the applicant will be informed of the nature of such advice.
- 10.3.7 The decisions available to the SDAP are:
- a) To allow the student to be admitted to the University without imposing any non-academic conditions
  - b) To allow the student to be admitted to the University, subject to specific non-academic conditions determined by the SDAP, such as limits to modules the student may choose to study, or restrictions on access to University accommodation
  - c) To refuse the student admission to the University and to withdraw any offer of admission which has been made previously
- 10.3.8 Where the applicant has applied for a programme which requires PVG Scheme membership and the applicant is not listed, i.e. barred, from joining the PVG Scheme but has relevant convictions (disclosed via the PVG Scheme Record or Basic Disclosure), the Panel's decision must be based on whether there is any impediment to the applicant pursuing their chosen programme of study. In cases where the SDAP decides that there is an impediment to admission onto the chosen programme of study, the Panel may ask the College to recommend an alternative programme of study.
- 10.3.9 Where the decision of the SDAP is to admit the applicant to their chosen programme of study, but where there may be issues relating to progression or professional requirements that are outwith the SDAP's control, this information should be drawn to the attention of the applicant. In such cases, the SDAP could refer the applicant to a professional Fitness to Practice panel where appropriate, or may ask the SDAP member from the relevant subject area to discuss such issues directly with the applicant.
- 10.3.10 Whilst the University is in a position to advise the applicant of potential difficulties with progression, it cannot accept liability for decisions taken by outside agencies which may result in the student being unable to complete their chosen programme of study.
- 10.3.11 Where applicable, and in line with data protection legislation, the SDAP may seek further advice from relevant professional bodies.
- 10.3.12 All information received by SDAP members will be treated confidentially and in accordance with Disclosure Scotland's policy on storage and retention of disclosures, and the Data Protection Act 1998 (see Section 11 below).
- 10.3.13 Whilst the academic decision for admissions is always dealt with separately, the SDAP may exceptionally request copies of admissions documentation if it is deemed that these contain information relevant to the case.
- 10.3.14 In cases where the receipt of the PVG Scheme Record or the Disclosure is close to the start of the academic year and where the information contained within it may make an expeditious decision difficult, the SDAP may consider offering the applicant a deferred place.

- 10.3.15 In considering all cases referred to it, the SDAP must adhere to relevant legislation.
- 10.3.16 Following the meeting of the SDAP, the Head of Admissions will write to the applicant on behalf of the SDAP informing them of the SDAP's decision, and seeking their agreement to any non-academic conditions. Where the decision is to admit the applicant, the Head of Admissions is responsible for informing the appropriate admissions office or postgraduate office of this decision.

#### 10.4 Appeals

- 10.4.1 The decision of the SDAP is final, and appeals against decisions will only be considered in the following circumstances:

- a) Where there is substantial new information which, for good reason, was not made available to the Panel at the time that its decision was made, and where that new information is significant and directly relevant.
- b) Where there is evidence that the procedure set out in this policy was not followed during the disclosure assessment process.

- 10.4.2 If an applicant believes, based upon the above criteria, that they have grounds for appeal, they should submit a formal letter of appeal to the Director of Student Recruitment and Admissions within 20 days of notification of the SDAP's decision.

The letter of appeal should be sent by post to: The Director, Student Recruitment and Admissions, 33 Buccleuch Place, Edinburgh EH8 9JS  
or by email to: [sra-appeals@ed.ac.uk](mailto:sra-appeals@ed.ac.uk)

The applicant will receive notification that their appeal has been received and advising on the timescale for receiving a response.

- 10.4.3 When a letter of appeal is received, the Director of Student Recruitment and Admissions will determine whether a prima facie case exists.

- 10.4.4 If the grounds for appeal are those stated in 10.4.1(a), the case will normally be referred back to the SDAP for reconsideration in light of the new information.

- 10.4.5 If the grounds for appeal are those stated in 10.4.1(b), the Director of Student Recruitment and Admissions will undertake a further investigation and if there is evidence that this policy has not been followed, will arrange for a new SDAP meeting to take place with different membership from the relevant University departments.

- 10.4.6 The applicant will be informed within 20 working days of the notification by the University of the applicant's letter of appeal either that there is no case to answer, or that one of the above courses will be followed. If the appeal is to progress, the applicant will be informed of further timescales.

## **11. Data protection**

- 11.1 All information provided by applicants about their criminal convictions is considered to be “sensitive personal data”. It will be treated in the strictest confidence and will be stored securely, in accordance with the University of Edinburgh’s data protection arrangements.
- 11.2 Disclosure information and any other information relating to criminal convictions will be used only for the purpose for which it was requested and provided. Such information will not be used or disclosed in a manner incompatible with that purpose.
- 11.3 Disclosure information will not be shared with a third party unless the applicant has given their written consent and has been made aware of the purpose of the sharing.
- 11.4 Disclosure certificates and PVG Scheme Records will not be kept on an individual’s EUCLID student record, but will be stored securely in a locked filing cabinet with access limited to authorised named individuals who are entitled to see such information in the course of their duties.
- 11.5 Disclosure information is not kept for longer than is necessary. It is kept until the date when the relevant decision has been taken, allowing for the resolution of any disputes or complaints, or until the student ceases to study on a relevant programme at the University of Edinburgh. At this point, all copies of the documents will be destroyed, although a record will be kept of the date of issue, the individual’s name, the disclosure type and the purpose for which it was requested, the unique reference number of the disclosure and details of our decision.
- 11.6 The University will ensure that disclosure information is destroyed in a secure manner i.e. by shredding, pulping or burning, and will ensure that disclosure information which is awaiting destruction is not kept in any insecure receptacle (e.g. a waste bin or unlocked desk/cabinet).

**Approved: September 2015**

**Review due: September 2017**

## Appendix 1

### Disclosure Scotland and the Protecting Vulnerable Groups Scheme

#### 1. Disclosure Scotland

- 1.1 Disclosure Scotland is the agency responsible, on behalf of the Scottish Government, for issuing disclosures of an individual's criminal convictions, and for managing and delivering the Protecting Vulnerable Groups (PVG) Scheme.
- 1.2 Disclosure Scotland provides a number of types of disclosure. The University only requests Basic Disclosures or PVG Scheme membership and associated PVG Scheme Records and Record Updates, dependent upon the degree programme to which an applicant applies and the nature of any placement undertaken.
- 1.3 Further information regarding Disclosure Scotland is available at:  
[www.disclosurescotland.gov.uk](http://www.disclosurescotland.gov.uk)

#### 2. Basic Disclosure

- 2.1 A Basic Disclosure is the lowest level of disclosure and shows details of all unspent convictions (as defined by the Rehabilitation of Offenders Act 1974). It is not programme or job specific and may be used for any purpose.

#### 3. Protecting Vulnerable Groups Scheme membership

- 3.1 The Protecting Vulnerable Groups (PVG) Scheme was established by the Protection of Vulnerable Groups (Scotland) Act 2007 ("the PVG Act").
- 3.2 Individuals who undertake regulated work with children and/or protected adults under the PVG Act ("regulated work") are required to join the Scheme. Work, as defined by the PVG Act, includes student placements. It is an offence to ask someone to apply to join the PVG Scheme or make a disclosure application in relation to work which is not regulated work under the PVG Act.
- 3.3 Membership of the PVG Scheme is workforce specific. Individual apply to join the PVG Scheme in relation to one or both types of regulated work.
- 3.4 Vetting information regarding all convictions on record (including spent convictions) and relevant non-conviction information held locally by police is provided by Disclosure Scotland.
- 3.5 Those considered by Disclosure Scotland unsuitable for doing regulated work with children and/or protected adults are "listed", i.e. barred from working with children and/or protected adults and are not permitted to become members of the PVG Scheme in relation to the protected group(s) to which their PVG Scheme application related. Disclosure Scotland will only consider unsuitability for the type of regulated work in relation to which the individual applied to join the PVG Scheme.
- 3.6 If an individual is barred from working with one vulnerable group it does not follow that they will also be barred from working with the other vulnerable group. Therefore, when individuals join the Scheme, they do so in relation to one or both types of regulated work.

- 3.7 It is an offence for an organisation to offer regulated work to someone who is barred, or to fail to remove a person from regulated work if they have been notified that the person is barred.
- 3.8 Whilst PVG Scheme membership indicates that a person is not barred from carrying out work with children and/or protected adults, it does not imply that a person is suitable for entry to a particular profession, or for full membership of the University community. A PVG Scheme member may have relevant convictions and the decision regarding an individual's suitability rests with the University.
- 3.9 When Disclosure Scotland confirms an individual's membership of the PVG Scheme, it provides the University with a Scheme Record which details criminal convictions and other relevant non-conviction information held on record.
- 3.10 Disclosure Scotland continues to collect vetting information relating to an individual for as long as they are a member of the Scheme. Membership is portable, meaning that once they have joined the Scheme, individuals are not required to rejoin when they change job unless their new role requires membership relating to a different workforce than was previously the case.
- 3.11 When an organisation such as the University of Edinburgh no longer has an interest in an individual PVG Scheme member, for example because they have completed their studies or because they have withdrawn from the degree programme, Disclosure Scotland is informed.

#### **4. Protecting Vulnerable Groups Scheme updates**

- 4.1 Where an individual is already a PVG Scheme member in respect of the appropriate type of regulated work, they can apply for a PVG Scheme Record Update as proof of current Scheme membership.
- 4.2 The Scheme Record Update shows basic membership information including:
  - The type(s) of regulated work in respect of which the individual is a PVG Scheme member (thereby confirming that the individual is not barred from that type of regulated work).
  - Whether an individual is under consideration for listing (i.e. barring) for the type(s) of regulated work.
  - The date the individual's PVG Scheme Record was last disclosed.
  - A statement as to whether that Scheme Record contained vetting information.
  - Either a statement confirming that no new vetting information has been added since the Scheme Record was last disclosed, or the date of each addition.
  - Either a statement confirming that no vetting information has been deleted since the Scheme Record was last disclosed or the date of each deletion.
- 4.3 The PVG Scheme Record Update does not include any vetting information. If a Scheme Record Update indicates that vetting information exists for the individual concerned, the individual will need to apply for a full Scheme record.

## Appendix 2

### Procedure for overseas applicants and UK applicants who have lived abroad

#### 1. Applicants who have disclosed a conviction received in a country outside the UK

- 1.1 Any applicant who has disclosed a relevant, unspent conviction received in a country outside the UK and who is eligible to receive an offer of admissions will be required to obtain a disclosure certificate from any country outside the UK in which he or she has lived for a period of 6 months or longer (in a single period) either during the past 10 years or since the age of 16. This information will be required before an offer of admissions is made. Template letters/emails are provided at Appendix 3.
- 1.2 Information on how to obtain a disclosure certificate from a country outside the UK can be found on the UK Government website:  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 1.3 If the certificate is in a language other than English, the applicant will also be required to submit a certified translation of the certificate.
- 1.4 If the applicant has lived in a country which is not included on the UK Government list given above, they will be required to obtain a letter from the local police authority in the relevant country providing further details of the conviction(s). If the information is in a language other than English, the applicant will also be required to submit a certified translation of the document.
- 1.5 In exceptional cases where it is not possible to obtain a Certificate of Good Conduct, an applicant may seek permission from the relevant undergraduate admissions office or postgraduate office to submit a Self-Declaration Certificate, together with a character reference, to demonstrate their current good character. The reference should normally be provided by a professional (teacher, employer, doctor, chaplain etc.) who has known the applicant for at least two years and who can vouch for their good conduct. This reference must not be provided by a member of the applicant's family. If the reference is provided in a language other than English, the applicant will also be required to submit a certified translation.
- 1.6 The Self-Declaration Certificate is provided at Appendix 4.
- 1.7 On receipt of the relevant certificate(s), the procedure set out in Section 5 of the policy will be followed.

#### 2. Applicants who are applying to any programme which requires PVG Scheme membership

- 2.1 All applicants to programmes which require PVG Scheme membership will be required to join the PVG Scheme or provide proof of current Scheme membership (see Section 6 of the policy) as an admissions requirement, regardless of the country in which they currently or previously lived. Future vetting information relating to offences committed in the UK will be monitored and provided to the registered body (i.e. the University). However, because there will be no vetting information available to Disclosure Scotland for periods when the applicant lived overseas, the applicant will be required to obtain a



disclosure certificate from any country in which they have lived for a period of 6 months or more (in a single period), either during the past 10 years or since the age of 16, even if they have not disclosed any convictions. Template letters/emails are provided at Appendix 3.

- 2.2 Information on how to obtain a disclosure certificate from a country outside the UK can be found on the UK Government website:  
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 2.3 If the certificate is in a language other than English, the applicant will also be required to submit a certified translation of the certificate.
- 2.4 If the applicant has lived in a country which is not included on the UK Government list given above, they will be required to obtain a Certificate of Good Conduct from the local police authority in the relevant country providing further details of the conviction(s). If the information is in a language other than English, the applicant will also be required to submit a certified translation of the document.
- 2.5 In exceptional cases where it is not possible to obtain a Certificate of Good Conduct, an applicant may seek permission from the relevant undergraduate admissions office or postgraduate office to submit a Self-Declaration Certificate, together with a character reference, to demonstrate their good character. The reference should normally be provided by a professional (teacher, employer, doctor, chaplain etc.) who has known the applicant for at least two years and who can vouch for their good conduct. This reference must not be provided by a member of the applicant's family. If the reference is provided in a language other than English, the applicant will also be required to submit a certified translation.
- 2.6 The Self-Declaration Certificate is provided at Appendix 4.
- 2.7 On receipt of the certificate(s), the procedures set out in Section 5 and Section 6 of the policy will be followed.

## Appendix 3

### Template letters and emails

**3a: For all applicants (UK, EU and International) who have disclosed that they have a criminal conviction, and have applied for a programme which DOES NOT require PVG membership. This email should only be sent if the selection process has been completed and the applicant is considered academically eligible to receive an offer.**

The following wording is recommended for use when requesting further information from UK or international applicants who have disclosed on their application form that they have a relevant, unspent criminal conviction.

Dear <Applicant name>

**UUN/UCAS number**

**Application for <Programme Title>**

Thank you for your application for admission to the above programme at the University of Edinburgh.

You indicated on your application that you have a relevant, unspent criminal conviction. Information on offences considered to be relevant can be found in our *Policy and procedure for the admission of applicants who disclose criminal convictions or who require Protecting Vulnerable Groups Scheme membership*: <http://www.ed.ac.uk/student-recruitment/admissions-advice/admissions-policy/policies>

In order to progress your application, you are required to provide details of the conviction(s) mentioned. I would therefore be grateful if you could send me the following information:

1. Specific details of any unspent criminal convictions. This information should include full information relating to the date of the conviction, the nature of the conviction and the nature of the sentence.

When I receive this information we will consider whether an offer can be made, or whether the case must be considered by our Student Disclosure Assessment Panel. The remit and procedure for the Panel can be found in the policy detailed above. I will inform you if your case is to be referred to the Panel, and I will set out any additional documentation such as a disclosure certificate that we may require.

I must emphasise that all the information you supply will be treated confidentially within the University. If you require any further information, please do not hesitate to contact me directly.

Yours sincerely

**3b: For UK-domiciled applicants who have disclosed that they have a criminal conviction, and have applied to a programme requiring PVG Scheme membership**

The following wording is recommended for use when requesting further information from UK-domiciled applicants to programmes requiring PVG Scheme membership, who have disclosed on their application form that they have a criminal conviction.

Dear <Applicant name>

**UUN/UCAS number**

**Application for <Programme Title>**

Thank you for your application for admission to the above programme at the University of Edinburgh.

You indicated on your application that you have a criminal conviction. Because you have applied for a programme which is exempt from the Rehabilitation of Offenders Act 1974, you are required to provide us with information about any criminal convictions you have received in accordance with the disclosure regulations detailed on the Disclosure Scotland website: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). These regulations clarify which convictions must be disclosed, and which are considered “protected” so that information can be withheld.

In order to progress your application, I would therefore be grateful if you could send me the following information:

1. Specific details of any criminal convictions you have received which are not considered to be “protected” convictions under the disclosure regulations detailed on the Disclosure Scotland website. This information should include full information relating to the date of the conviction, the nature of the conviction and the nature of the sentence, and whether the conviction was received in a country outside the UK.

When I receive this information we will consider whether an offer can be made, or whether the case must be considered by our Student Disclosure Assessment Panel. The remit and procedure for the Panel can be found in our *Policy and procedure for the admission of applicants who disclose criminal convictions or who require PVG Scheme membership*:

<http://www.ed.ac.uk/student-recruitment/admissions-advice/admissions-policy/policies>.

I will inform you if your case is to be referred to the Panel. If a referral is made, you will be required to apply to join the Protecting Vulnerable Groups Scheme prior to your case being considered.

If you have lived in any country other than the UK for a period of 6 months or more (in a single period) either in the last 10 years or since you were 16, we may also require a disclosure certificate from all such countries. Please could you provide me with details of all relevant countries and the dates when you were resident there.

I must emphasise that all the information you supply will be treated confidentially within the University. If you require any further information, please do not hesitate to contact me directly.

Yours sincerely

**3c: For overseas applicants who have disclosed that they have a criminal conviction, and have applied to a programme requiring PVG Scheme membership**

The following wording is recommended for use when requesting further information from overseas applicants to programmes requiring PVG Scheme membership, who have disclosed on their application form that they have a criminal conviction.

Dear <Applicant name>

**UUN/UCAS number**

**Application for <Programme Title>**

Thank you for your application for admission to the above programme at the University of Edinburgh.

You indicated on your application that you have a criminal conviction. Because you have applied for a programme which is exempt from the Rehabilitation of Offenders Act 1974, you are required to provide us with information about any criminal convictions you have received in accordance with the disclosure regulations detailed on the Disclosure Scotland website: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). These regulations clarify which convictions must be disclosed, and which are considered “protected” so that information can be withheld.

In order to progress your application, you are required to provide details of the conviction(s) mentioned. I would therefore be grateful if you could send me the following information:

1. Specific details of any criminal convictions you have received which are not considered to be “protected” convictions under the disclosure regulations detailed on the Disclosure Scotland website. This information should include full information relating to the date of the conviction, the nature of the conviction and the nature of the sentence, and whether the conviction was received in a country outside the UK.

When I receive this information we will consider whether an offer can be made, or whether the case must be considered by our Student Disclosure Assessment Panel. The remit and procedure for the Panel can be found in our *Policy and procedure for the admission of applicants who disclose criminal convictions or who require PVG Scheme membership*:

<http://www.ed.ac.uk/student-recruitment/admissions-advice/admissions-policy/policies>.

I will inform you if your case is to be referred to the Panel. If a referral is made, you will be required to apply to join the Protecting Vulnerable Groups Scheme prior to your case being considered.

In addition, we will require disclosure certificates from any country you have lived in for a period of 6 months or more (in a single period) in the last 10 years or since you were 16, other than the UK. Please could you provide me with details of all relevant countries and the dates when you were resident there.

I must emphasise that all the information you supply will be treated confidentially within the University. If you require any further information, please do not hesitate to contact me directly.

Yours sincerely

### **3d: Information for all applicants (UK, EU or International) who intend to firmly accept their offer of admission for a programme of study requiring PVG Scheme membership**

The following guidance is intended for applicants who intend to firmly accept a place on a programme which requires PVG Scheme membership, and who HAVE NOT disclosed that they have a criminal conviction on their application form.

All applicants to the University of Edinburgh who intend to study on programmes in MClintDent, Medicine, Nursing, Oral Health Sciences, Social Work, or Teacher Education are required to join the Disclosure Scotland Protecting Vulnerable Groups (PVG) Scheme before they begin their studies. The PVG Scheme provides the University with vetting information regarding an individual's convictions for any crime committed in the UK.

PVG Scheme applications are processed through the University for all programmes except for those in Social Work, which are administered by the Scottish Social Services Council and, if relevant, you will be contacted separately regarding this.

#### **Applicants who have lived in a country outside the UK for a period of 6 months or more either in the last 10 years or since the age of 16.**

In addition to joining the PVG Scheme, you must also provide a Criminal Record Check from all countries outside the UK in which you have been resident for a period of 6 months or more (in a single period) either in the last 10 years or since the age of 16. Information on how to obtain a Criminal Record Check from countries outside the UK can be found on the UK Government website:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

If the certificate is in a language other than English you will also need to provide a certified translation. For more information on what is required please see the following website:

<http://www.ed.ac.uk/studying/postgraduate/applying/certified-translations>

If you are/were resident in a country which is not included on the UK Government list, you should obtain a Police Check/Certificate of Good Conduct from the local police authority in the relevant country. If the information is in a language other than English, you will also need to provide a certified translation of the document.

In exceptional cases where it is not possible to obtain a Police Check/Certificate of Good Conduct, you may seek permission from the relevant Undergraduate Admissions Office or Postgraduate Office to submit a Self-Declaration Certificate, together with a character reference, to demonstrate your good character. If the Admissions Office or Postgraduate Office approves your request, they will provide you with a Self-Declaration form for completion. The character reference should be on letter-headed paper, and will normally be provided by a professional (teacher, employer, doctor, chaplain etc.) who has known you for at least two years and who can vouch for your good conduct. This reference must not be provided by a member of your family. If the reference is provided in a language other than English, you will also be required to submit a certified translation.

Please note that a failure to disclose that you have a criminal conviction which is later revealed could lead to your application being considered to be fraudulent. In such a case, your application will be dealt with in accordance with the *Policy and procedure regarding admissions fraud*.

**3f: Letter to Disclosure Scotland regarding PVG members the University no longer has an interest in, who have not completed their degree**

Disclosure Scotland  
PO Box 250  
Glasgow  
G51 1YU

Dear Sir/Madam

We are currently interested parties in the PVG records for the memberships listed below. These students did not eventually enrol at or withdrew from University of Edinburgh and we should no longer be informed of any changes to their PVG records:

Name	PVG Membership Number

If you have any queries, please do not hesitate to contact me.

Yours faithfully

**3g: Letter to Disclosure Scotland regarding PVG members who have graduated and left the University**

Disclosure Scotland  
PO Box 250  
Glasgow  
G51 1YU

Dear Sir/Madam

We are currently interested parties in the PVG records for the memberships listed below. They are no longer students at the University of Edinburgh and we should no longer be informed of any changes to their PVG records:

Name	PVG Membership Number

If you have any queries, please do not hesitate to contact me.

Yours faithfully

## Appendix 4

### University of Edinburgh Self-Declaration Certificate

This certificate must be completed if you are unable to provide a disclosure certificate or Certificate of Good Conduct from a country outside the UK where you have been resident for 6 months or more (in a single period) either in the last 10 years or since the age of 16. You may only submit a Self-Declaration Certificate where that has been agreed in advance by the University.

In addition to the Self-Declaration Certificate, you must also supply an additional written character reference (see the enclosed guidance notes).

Surname:

.....

Forename(s):

.....

Date of Birth:

.....

Degree applied for:

.....

UCAS Personal ID and Course  
Code:

*(Undergraduate applicants only)*

.....

University of Edinburgh UUN

.....

#### Self-Declaration

Please read the following statements carefully and tick the statement that applies to you, ensuring that you sign the declaration at the bottom of the page.

- I, the above named, declare that I **do not have any** criminal convictions. This includes spent convictions, cautions (including verbal cautions) or bind-over orders.

**OR**



- I, the above named, declare that one or more of the statements is applicable (tick as appropriate). If any of these statements apply, you will be contacted separately and asked to submit further information to the University.
- I have a criminal conviction
  - I have a spent criminal conviction
  - I have a caution (including a verbal caution)
  - I have a bind-over order
  - I am serving a prison sentence for a criminal conviction

Signed:

.....

Date:

.....

Please note that if you receive any convictions, cautions or bind-over orders following the submission of this certificate and prior to commencing studies at the University of Edinburgh, you must inform the appropriate admissions office or postgraduate office immediately. Failure to do so may result in withdrawal of your place.

This form should be returned to: *<Name, School or College, Address>*

## PVG Document Checklist 2015

Please put a tick against the 3 **original** documents you have enclosed with your PVG application form.

**Please note that one must have your photograph and one must have your current address.**

- Birth Certificate
- Passport
- Provisional Driving Licence (with photo)
- Full Driving Licence (with photo)
- Utility Bill (*must show your address*)
- Bank Statement (*must show your address*)
- PVG Scheme Membership Certificate
- Other

NB. If you are already a member of the PVG scheme we recommend you enclose your **original** PVG scheme membership certificate.

If posting your application and documents you are **strongly** advised to send them Recorded or Special Delivery. Please also ensure that you have supplied the correct Recorded/Special Delivery postage on an A4 self-addressed envelope for the return of your original documents.

**The University cannot take responsibility for documents that do not reach their intended destination.**