



The University of Edinburgh

Code of Practice

for

Student Criminal Convictions and
Disclosure Assessment

Table of Contents

Code of Practice for Student Criminal Convictions and Disclosure Assessment	3
1.0 Context	3
2.0 Disclosure Scotland	3
3.0 Basic Disclosure	3
4.0 Protecting Vulnerable Groups Scheme	4
5.0 Protecting Vulnerable Groups Scheme Record Updates	5
6.0 Admissions Guidance	6
7.0 Admissions guidance for programmes requiring Protecting Vulnerable Groups Scheme membership	7
8.0 Guidance for referral to the Student Disclosure Assessment Panel (SDAP)	9
9.0 SDAP membership	10
10.0 SDAP remit	11
11.0 SDAP guidance	11
12.0 Appeals	12
Appendix A: International applicants	14
1.0 General Guidance (International applicants)	14
2.0 Guidance for programmes requiring PVG Scheme membership	14
3.0 Guidance for programmes not requiring PVG Scheme membership	15
Appendix B1 (Postgraduate International)	16
Appendix B1 (Undergraduate International)	17
Appendix B2 (Postgraduate UK)	18
Appendix B2 (Undergraduate UK)	20
Appendix B3	22
Appendix B4: Sample Letters	23
Appendix C	26
Policy statement on the secure storage, handling, use, retention and destruction of Disclosures and Disclosure information	26

Code of Practice for Student Criminal Convictions and Disclosure Assessment

1.0 Context

- 1.1 The University of Edinburgh is committed to trying to ensure that its students pose no danger to those with whom they will interact during their studies at the University, that its students on placement are, as necessary, cleared to work with vulnerable groups, and that it supports the requirements for professional conduct and fitness to practice of the professions it serves.
- 1.2 One of the main mechanisms that the University uses to try to ensure that its students pose no risk to those with whom they interact during their studies is the Student Disclosure Assessment process. This code details the procedures associated with the Disclosure process for all University of Edinburgh students and applicants.
- 1.3 The University is committed to ensuring that all applications for study are treated fairly and equally, with the underlying principle that the academic admissions decision-making process is always kept separate from the investigation and consideration of any criminal conviction.
- 1.4 Disclosures are only requested from applicants who are academically eligible for an offer of admissions. Those who are ineligible for an offer should not be asked to submit further information.
- 1.5 Criminal record checks are administered by Disclosure Scotland, which has access to relevant vetting information across the UK.
- 1.6 The Student Disclosure Assessment Panel (SDAP) is the formal University Committee with responsibility for considering cases referred to it by the admitting College, in line with the approved guidance.

2.0 Disclosure Scotland

- 2.1 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.
- 2.2 Disclosure Scotland provides a number of types of disclosure. The University only requests Basic Disclosures or Protecting Vulnerable Groups Scheme membership and associated Status Records and Status Record Updates, dependant upon the degree programme to which an applicant applies, and the nature of any placement undertaken.
- 2.3 Further information regarding Disclosure Scotland is available at www.disclosurescotland.gov.uk.

3.0 Basic Disclosure

- 3.1 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.
- 3.2 The University requires a Basic Disclosure (or equivalent information from applicants not resident in the UK) from any applicant who is academically suitable for entry, who indicates on their application that they have a *relevant* criminal conviction that is not spent, according to the Rehabilitation of Offenders Act 1974, **and** the programme to which they

are applying does not involve regulated work with children and/or protected adults.

4.0 Protecting Vulnerable Groups Scheme

- 4.1 The Protecting Vulnerable Groups (PVG) Scheme is established by the Protection of Vulnerable Groups (Scotland) Act 2007 (“the PVG Act”). Individuals who undertake regulated work with children and/or protected adults are required to join the Scheme.
- 4.2 Work, as defined by the PVG Act, includes student placements.
- 4.3 Membership of the PVG Scheme is workforce specific. Individuals apply to join the PVG Scheme in relation to one or both regulated workforces, i.e. work with children and/or adults.
- 4.4 Vetting information regarding all convictions on record (including spent convictions) and relevant non-conviction information held locally by police is provided by Disclosure Scotland.
- 4.5 Those considered by Disclosure Scotland unsuitable for doing regulated work with children and/or 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.
- 4.6 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.
- 4.7 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 they are barred.
- 4.8 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. The decision regarding an individual’s suitability rests with the University.
- 4.9 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.
- 4.10 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 type than was previously the case.
- 4.11 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.
- 4.12 Membership of the PVG Scheme is required for programmes that involve regulated work with children and/or protected adults (see 6.4).

- 4.13 It is a requirement of the placement agencies for these programmes that students join the PVG Scheme prior to commencing a placement.
- 4.14 The Scottish Social Services Council (SSSC), established in 2004, has responsibility for administering PVG Scheme membership for all new students to Social Work within Scotland.
- 4.15 Matriculated students in other subject areas may also be required to be PVG Scheme members, if their studies involve regulated work with children and/or protected adults. However, PVG Scheme membership is not an admissions requirement for these degree programmes, given that modules that involve regulated work with vulnerable groups are optional.
- 4.16 Where matriculated students are requested 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 Scheme Record Update (see 5.0) 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.
- 4.17 Once 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 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. 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 Student Disclosure Assessment Panel, which will assess whether, and on what basis, the student may remain a student of the University (see 8.0).
- 4.18 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. Whilst the individual has a responsibility to inform Disclosure Scotland of this, in order to ensure that Disclosure Scotland is informed, countersignatories will provide lists of students in whose PVG Scheme membership the University no longer has an interest.
- 4.19 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.

5.0 Protecting Vulnerable Groups Scheme Record Updates

- 5.1 If an individual is already a PVG Scheme member, and has applied to a degree programme requiring PVG Scheme membership, they will not need to submit a new full PVG Scheme membership application,

providing their current Scheme membership is in relation to the same type of regulated work as that to be undertaken in the degree programme.

- 5.2 If an individual is already a PVG Scheme member in respect of the same type of regulated work as to be undertaken in their degree programme, they should apply via the relevant admissions office for a Scheme Record Update as proof of current Scheme membership. However, if they are already a Scheme member, but this is not in respect of the same type of regulated work as that to be undertaken in their degree programme, they will be required to submit an Existing PVG Scheme Member application form with regard to the type of regulated work undertaken in the degree programme.
- 5.3 Where an applicant has applied for a Scheme Record Update, from late 2011, this will be available online.
- 5.4 The Scheme Record Update fee is significantly less than that for Scheme membership and/or a full Scheme Record.
- 5.5 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 the 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
- 5.6 The 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 should be required to apply for a full Scheme Record.
- 5.7 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 Scheme Record.

6.0 Admissions Guidance

- 6.1 As part of the application process, all applicants must indicate if they have a *relevant* criminal conviction.
- 6.2 Relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar involving one or more of those listed below:

- 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 Sex Offences Act 2003
- 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

6.3 Warnings, penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) 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 or VOO and this has resulted in a criminal conviction.

6.4 Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant.

6.5 Applicants are further advised that programmes involving regulated work with children and/or protected adults are exempt from the Rehabilitation of Offenders Act 1974, and that any criminal convictions, including sentences and cautions (including verbal cautions), reprimands, and bind-over orders, are considered relevant. Applicants to these programmes are advised that they are required to join the PVG Scheme or provide proof of current Scheme membership (see 5.0) prior to commencing their studies.

6.6 The University of Edinburgh degree programmes requiring PVG Scheme membership are Community Education, MBChB, MCLinDent, Nursing, Oral Health Sciences, Social Work, Teacher Education.

6.7 A list of degree programmes and modules requiring PVG Scheme membership is maintained by Student Recruitment & Admissions. Student Recruitment & Admissions should be informed of any new degree programmes or modules that may require PVG Scheme membership.

6.8 For all other programmes, if an applicant indicates in their application that they have a *relevant* conviction, a check should be carried-out to ensure that the conviction is indeed relevant (i.e. that the applicant has understood the application question regarding criminal convictions). If the conviction is relevant, the applicant must be asked to obtain a Basic Disclosure directly from Disclosure Scotland. If the applicant is not normally resident in the UK, an alternative procedure exists (see Appendix A).

6.9 If it is discovered that the applicant, or current student, had a relevant conviction that was not spent at the time of application, and the applicant had not indicated in their application the existence of the conviction, it may be considered that the applicant knowingly withheld this information. In this case, the University admissions fraud policy should be followed. In the case of undergraduate applications, the UCAS Fraud Verification Unit should also be informed, via Student Recruitment & Admissions.

7.0 Admissions guidance for programmes requiring Protecting Vulnerable Groups Scheme membership

- 7.1 Applicants who are eligible for an offer of admissions to a programme that requires PVG Scheme membership must be given information regarding the PVG Scheme with their offer of admission. Applicants should be sent a Disclosure Scotland PVG Scheme application and guidance notes when they firmly accept their offer. The guidance notes must 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.
- 7.2 Applicants must not join the PVG Scheme with respect to both types of regulated work 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. The countersignatory is responsible for pre-populating the PVG Scheme application with this information prior to sending it to the applicant to complete.
- 7.3 Admissions staff must check where the applicant has been resident, as the information to be sent to an applicant varies according to whether s/he has lived outside of the UK at any point. This includes UK residents who have been temporarily absent from the UK for a period of 12 months or longer. Further guidance for both UK and overseas applicants can be found in the appendices.
- 7.4 Any offer of admissions to a degree programme requiring PVG Scheme membership must state that PVG Scheme membership is required before the applicant is able to commence studies (but this need not necessarily form part of the formal conditions of the offer).
- 7.5 Applicants must submit the PVG Scheme application, or PVG Scheme Record Update application, as soon as possible after firmly accepting their offer of admission.
- 7.6 Undergraduate applicants accepting the University of Edinburgh's offer as their Insurance choice should submit a PVG Scheme application form or PVG Scheme Record Update via the University of Edinburgh only if their offer from the University of Edinburgh becomes their Firm choice.
- 7.7 Applicants should submit their PVG Scheme application or PVG Scheme Record Update application to the relevant admissions office, and include at least three forms of identification (confirming the name, date of birth and current home address of the applicant) and payment. A list of acceptable forms of identity is available at <http://www.disclosurescotland.co.uk/apply/employers/faq/index.html#what-are-suitable-forms-of-identification>. Where an applicant is unable to present their identification to the admissions office Disclosure Scotland 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. A partial list of acceptable countersignatories is available at http://www.direct.gov.uk/en/TravelAndTransport/Passports/Applicationinformation/DG_174151. Where copies have been used, the Countersignatory should satisfy him/herself that the 'passport countersignatory' is a genuine person, and original documents should be verified by the countersignatory prior to the student commencing regulated work.
- 7.8 The Countersignatory should retain copies of the identification documentation in order to compare the details with those on the Scheme Record.

- 7.9 On receipt of the PVG Scheme or PVG Scheme Record Update application form, the admissions office Disclosure Scotland countersignatory will verify the details on the application and check the personal identification documentation, before signing the application and forwarding it to Disclosure Scotland. Original identification documentation should then be returned to the applicant.
- 7.10 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 countersignatory who countersigned the application.
- 7.11 The 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.
- 7.12 If the 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.
- 7.13 If the individual is listed, or is under consideration for listing, and/or the Scheme Record includes vetting information, the case should be referred to the Student Disclosure Assessment Panel. Guidance for referral of cases to the Student Disclosure Assessment Panel is outlined in 8.0.
- 7.14 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. In most cases this will be by 1 August in the year immediately prior to entry.
- 7.15 Applicants who are holding an offer for deferred entry should be asked to submit a PVG Scheme application, or proof of current Scheme membership (see 5.0), in the year they are intending to commence their studies.
- 7.16 Applicants who are already members of the PVG Scheme in respect of the same type of regulated work to be undertaken during their studies should apply via the relevant University of Edinburgh admissions office for a Scheme Record Update from Disclosure Scotland (see 5.0).
- 7.17 In cases where the applicant has applied to a programme involving regulated work with children and/or protected adults **and** they have indicated in their application that they have a relevant criminal conviction, the applicant must be asked to join the PVG Scheme or provide evidence of current Scheme membership (see 5.0) **prior** to any offer of admissions being made.

8.0 Guidance for referral to the Student Disclosure Assessment Panel (SDAP)

- 8.1 Membership of the PVG Scheme indicates only that an individual is not barred from carrying-out regulated work with a vulnerable group or groups. Scheme membership does not imply that an individual is suitable for entry to a profession, or membership of the University community. A member may have relevant convictions. The decision regarding an individual's suitability rests with the University.

- 8.2 Any relevant vetting information provided in the Basic Disclosure or Scheme Record should be considered when deciding the applicant's suitability for their chosen programme of study.
- 8.3 On receipt of a disclosure (PVG Scheme Record, PVG Scheme Record Update or Basic Disclosure) that contains vetting information the College Admissions Office or School¹ consults with the Head of Admissions in Student Recruitment and Admissions (SRA) to ascertain whether the case warrants a referral to the SDAP.
- 8.4 Non-referral offences are normally:
- Possession of Class B or C drugs for own use
 - A order offence resulting in a conditional discharge or admonition
 - Driving offences with no injury to another person

However, persistent offences² in any of these categories may be referred to the Panel, as a frequency might indicate an established pattern of offending. Where there is no referral to the SDAP, the decision of the College Admissions Office or School is final.

8.5 Automatic referral offences include:

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

8.6 If a case is referred to the SDAP, the Head of Admissions in SRA must be informed.

8.7 The Head of Admissions will normally seek additional details from the applicant regarding the information contained in the disclosure. Generally this detail will include a written account from the applicant and in some cases he/she may be asked to produce additional information, for example from probation officers or social workers involved in the case.

8.8 On receipt of this information, the SDAP will be convened to consider the case.

9.0 SDAP membership

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

- Convenor
- Secretary
- Head of Academic Registry (or nominee)
- Academic representative from the College or subject areas to which the student is seeking admission³

¹ For disclosure checks where the check relates to an on-course student and for all teacher education programmes, this is normally the School responsibility.

² Normally where there have been five or more offences.

³ For Medicine & Veterinary Medicine this will normally be the Director of Admissions; for Science & Engineering this will normally be the Undergraduate/Postgraduate Dean (or nominee); for Humanities & Social Science this will normally be the Associate Dean (Admissions)/Postgraduate Dean or the nominated authority from the School to which the applicant has applied.

- Head of Accommodation Services (or nominee)
- Academic representative from the School of Law with expertise in the field of Criminology

9.2 The Panel is quorate when the following are in attendance

- Head of Academic Registry (or nominee)
- Academic representative from the College or subject area
- Head of Accommodation Services (or nominee)
- Academic representative from the School of Law

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

10.0 SDAP remit

10.1 The remit of the SDAP is to consider cases referred to it and to make the final decision regarding admission of the applicant to the University.

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

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

11.0 SDAP guidance

11.1 With each case, the Panel must consider:

11.1.1 Whether there is sufficient information provided for the Panel to make a decision.

11.1.2 The nature of all information in the disclosure (whether conviction, reprimand, warning, caution or other relevant information).

11.1.3 If the information includes a conviction, whether the conviction is spent.

11.1.4 Time elapsed since the entry on the disclosure.

11.1.5 Whether the applicant poses an unacceptable risk to the University community⁴ and/or property.

11.1.6 Whether, through the information provided to the Panel, the applicant demonstrates the potential to abide by the University rules and regulations and accepted standards of behaviour.

11.2 In reaching its decision, the Panel must consider each of the above criteria. Where the student has submitted additional information, this should help inform the Panel's decision.

11.3 Where the applicant is not listed, i.e. barred, from PVG Scheme membership, but has relevant convictions (disclosed via 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 Panel decides that there is an

⁴ This includes the wider University community, e.g. where placements in the community may need to be considered.

impediment to admission onto the chosen programme of study, the Panel may ask the College to recommend an alternative programme of study.

- 11.4 Where the decision of the Panel 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 Panel's control, this information should be drawn to the attention of the applicant. In such cases, the Panel may choose, through its duty of care to the applicant, to ask the Panel member from the relevant subject area to discuss such issues directly with the applicant.
- 11.5 The Panel may decide to admit the applicant to their chosen programme of study, or recommend admission to an alternative programme of study, and apply certain restrictions to mitigate unacceptable risk whilst acting in the best interests of the student. Such restrictions might relate to living in University accommodation or studying a particular module.
- 11.6 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.
- 11.7 Where applicable, and in line with data protection legislation, the Panel may seek further advice from relevant professional bodies.
- 11.8 All information received will be treated confidentially within the University and in accordance with Disclosure Scotland's policy on storage and retention of disclosures and the Data Protection Act.
- 11.9 Whilst the academic decision for admission is always dealt with separately, the Panel may exceptionally request copies of admissions documentation if it is deemed that these contain information relevant to the case.
- 11.10 In cases where the receipt of the PVG Scheme Record or Basic Disclosure is close to the start of the academic year and where the information contained within it may make an expeditious decision difficult, the Panel may consider deferring the place the applicant is holding.
- 11.11 In considering all cases referred to it, the Panel must adhere to relevant legislation.
- 11.12 Following the meeting of the SDAP, the Head of Admissions will write to the applicant on behalf of the Panel informing him/her of the Panel's decision. Where the decision is to admit the applicant, the Head of Admissions is responsible for informing the appropriate offices within the University of this decision.

12.0 Appeals

- 12.1 The decision of the SDAP is final and appeals against decisions will only be considered in the following circumstances:
 - 12.1.1 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.
 - 12.1.2 Where there is evidence that due procedure was not followed during the disclosure assessment process.

- 12.2 If an applicant believes, based upon the above criteria, that they have grounds for appeal, they should submit a formal letter of appeal within 20 days of notification of the Panel's decision. The applicant should submit the letter of appeal directly to the University Secretary, Old College, South Bridge, Edinburgh, EH8 9YL. The applicant will receive notification that their appeal has been received and advising on the timescale for receiving a response.
- 12.3 Where a letter of appeal is received, the University Secretary will determine whether a prima facie case exists.
- 12.4 If the grounds for appeal are those stated in 12.1.1, the case will normally be referred back to the SDAP for reconsideration.
- 12.5 If the grounds for appeal are those stated in 12.1.2, the University Secretary will undertake a further investigation and recommend appropriate action.
- 12.6 The applicant will be informed within 20 working days either that there is no case to answer or that one of the above courses of action will be followed. If the appeal is to progress, the applicant will be informed of further timescales.

Rebecca Gaukroger

April 2011

Appendix A: International applicants

1.0 General Guidance (International applicants)

- 1.1 Disclosure Scotland has access to records within the UK, and is unable to perform checks on applicants applying from outside of the UK.
- 1.2 If an applicant has committed an offence outside of the UK it is unlikely to appear on a Disclosure or PVG Scheme Record. It would be for the authorities in the country where the offence occurred to inform the UK authorities who would then record the information on the Police National Computer. However, the UK authorities are not always informed.
- 1.3 The Criminal Records Bureau (CRB) has an overseas enquiries line that can advise on which countries are able to provide 'Certificates of Good Conduct'.
- 1.4 If an application has been received from a student living outside of the UK, the Admissions Office should contact the CRB for further advice 08700 100 450 or e-mail overseas@crb.gsi.gov.uk.

2.0 Guidance for programmes requiring PVG Scheme membership

- 2.1 Admissions staff must check where the applicant has been based in the period immediately prior to the start date of the programme.
- 2.2 All applicants should be asked to join the PVG Scheme, or provide proof of current Scheme membership (see 5.0). It should be noted that, in the case of individuals from outwith the UK, no vetting information regarding prior history will be included, but any future vetting information relating to offences committed in the UK will be monitored and provided to the registered body (i.e. the University).
- 2.3 Where the applicant is normally domiciled outside of the UK, or has never been domiciled in the UK, a 'Certificate of Good Conduct' or letter from the local police authority in the country of domicile should also be sought. Where this information is unavailable, the applicant should be asked to provide a second reference and Self-Declaration Certificate (see 2.5 below).
- 2.4 Where a Certificate of Good Conduct or Self-Declaration Certificate is unavailable the Admissions Officer should request a character reference for the applicant. This reference should be provided by someone other than the referee on the original application. 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. In addition, the applicant must also submit a signed declaration stating they have no relevant criminal convictions. Information relating to both these requirements may be found in Appendix B1.
- 2.5 Where an applicant is eligible for an offer of admission for a programme involving regulated work with children and/or protected adults **and** has indicated on their application that they have a relevant criminal conviction, the applicant should be asked to provide a letter from the relevant police authorities in their country of residence in addition to providing further details of the conviction(s) (see Appendix B2). This information must be

requested **prior** to any offer of admission being made and should be submitted to the Head of Admissions.

2.6 On receipt of this information, the guidance outlined in 8.0 applies.

3.0 Guidance for programmes not requiring PVG Scheme membership

3.1 Where an applicant is eligible for an offer of admission and has indicated on their application they have a relevant conviction, further information should be sought. For applicants who have never been domiciled in the UK a letter should be sent requesting further information relating to the conviction (see Appendix B3).

3.2 On receipt of this information, the guidance outlined in 8.0 applies.

Appendix B1 (Postgraduate International)

Information for Postgraduate International Students intending to firmly accept their offer of admission for a programme of study requiring PVG Scheme membership

The University requires applicants admitted to study Community Education, Nursing, Social Work, Teacher Education and MClinDent programmes to join the Protecting Vulnerable Groups (PVG) Scheme prior to commencing their studies. The Protecting Vulnerable Groups Scheme provides the University with vetting information regarding an individual's convictions for any crime committed in the UK. If you have not been resident in the UK you will also be required to provide information from your home country. This information sheet aims to provide you with advice on what documents must be provided by you in order to fulfil this requirement. Please note that if you are applying for a Social Work programme your Disclosure Scotland PVG Scheme application will be administered by the Scottish Social Services Council and you will be contacted separately regarding this.

Applicants who have *never* been resident in the UK and Applicants who are normally resident outside the UK, but who have been living in the UK during the 12 month period immediately prior to the degree programme start date

If you are in receipt of an offer of admission from the University of Edinburgh to study Community Education, Nursing, Teacher Education or an MClinDent programme in Medicine **and** you have **never** lived in the UK you must apply to join the PVG Scheme. Information on joining the Scheme is enclosed.

If you have criminal convictions, these will be considered alongside your PVG Scheme membership in considering your suitability for your chosen degree programme.

In addition to joining the PVG Scheme, you are asked to obtain one of the following:

1. A 'Certificate of Good Conduct' from the relevant authorities or a letter from the police authority in your own country confirming that you have no criminal record. This information is available if you live in any of the following countries:

Argentina, Australia, Austria, Belgium, Bermuda, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Finland, France, Germany, Ghana, Greece, India, Italy, Ivory Coast, Jamaica, Japan, Lebanon, Luxembourg, Malaysia, Malta, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Romania, Singapore, South Africa, Spain, Sweden, Switzerland, Syria, Trinidad & Tobago, Tunisia, Turkey, Uganda, USA, Zambia.

2. If you are not resident in any of the above countries and you are unable to obtain this information, you are asked to provide a further written character reference. This reference should be provided on letter-headed paper by a professional person (e.g. employer, doctor, teacher, etc.) who is not related to you and whom you have known for at least the last two years. The referee should not be the same as the referee on your postgraduate application form. The purpose of this additional reference is to confirm the referee has known you for a period of two years and can vouch for your good conduct and character. In addition you must complete and return the enclosed Self-Declaration Certificate.

Appendix B1 (Undergraduate International)

Information for Undergraduate International Students intending to firmly accept their offer of admission for a programme of study requiring PVG Scheme membership

The University requires applicants admitted to study Community Education, Nursing, Oral Health Sciences, Social Work or Teacher Education to join the Protecting Vulnerable Groups (PVG) Scheme prior to commencing their studies. The Protecting Vulnerable Groups Scheme provides the University with vetting information regarding an individual's convictions for any crime committed in the UK. If you have not been resident in the UK you will also be required to provide information from your home country. This information sheet aims to provide you with advice on what documents must be provided by you in order to fulfil this requirement. Please note that if you are applying for a Social Work programme your Disclosure Scotland PVG Scheme application will be administered by the Scottish Social Services Council and you will be contacted separately regarding this.

Applicants who have *never* been resident in the UK and Applicants who are normally resident outside the UK, but who have been living in the UK during the 12 month period immediately prior to the degree programme start date

If you are intending to **firmly accept** the University of Edinburgh's offer of admission to study Community Education, Medicine, Nursing or Teacher Education **and** you have **never** lived in the UK, you must apply to join the PVG Scheme. Information on joining the Scheme is enclosed.

If you have criminal convictions, these will be considered alongside your PVG Scheme membership in considering your suitability for your chosen degree programme.

In addition to joining the PVG Scheme, you are asked to obtain one of the following:

1. A 'Certificate of Good Conduct' from the relevant authorities or a letter from the police authority in your own country confirming that you have no criminal record. This information is available if you live in any of the following countries:

Argentina, Australia, Austria, Belgium, Bermuda, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Finland, France, Germany, Ghana, Greece, India, Italy, Ivory Coast, Jamaica, Japan, Lebanon, Luxembourg, Malaysia, Malta, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Romania, Singapore, South Africa, Spain, Sweden, Switzerland, Syria, Trinidad & Tobago, Tunisia, Turkey, Uganda, USA, Zambia.

2. If you are not resident in any of the above countries and you are unable to obtain this information, you are asked to provide a further written character reference. This reference should be provided on letter-headed paper by a professional person (e.g. employer, doctor, teacher etc) who is not related to you and whom you have known for at least the last two years. The referee should not be the same as your UCAS referee. The purpose of this additional reference is to confirm the referee has known you for a period of two years and can vouch for your good conduct and character. In addition you must complete and return the enclosed Self-Declaration Certificate.

Appendix B2 (Postgraduate UK)

Information for Postgraduate UK Students intending to firmly accept their offer of admission for a programme of study requiring PVG Scheme membership

The University requires applicants admitted to study Community Education, Nursing, Social Work or Teacher Education to join the Protecting Vulnerable Groups (PVG) Scheme prior to commencing their studies. The Protecting Vulnerable Groups Scheme provides the University with vetting information regarding an individual's convictions for any crime committed in the UK. If you have not been resident in the UK you will also be required to provide information from your home country. This information sheet aims to provide you with advice on what documents must be provided by you in order to fulfil this requirement. Please note that if you are applying for a Social Work programme your Disclosure Scotland PVG Scheme application will be administered by the Scottish Social Services Council and you will be contacted separately regarding this.

If you have criminal convictions, these will be considered alongside your PVG Scheme membership in considering your suitability for your chosen degree programme.

Applicants who are UK residents and have not had any temporary absence (of 12 months or more) when they have lived outside of the UK

If you are intending to **accept** the University of Edinburgh's offer of admission to study Community Education, Nursing, Teacher Education or an MCLinDent programme, you must join the Disclosure Scotland Protecting Vulnerable Groups Scheme prior to commencing your studies. Information on how to complete the application is enclosed.

Applicants who are normally UK residents but who have had a temporary absence (of 12 months or more) during which time they have lived outside of the UK

If you are intending to **accept** the University of Edinburgh's offer of admission to study Community Education, Medicine, Nursing or Teacher Education you must join the Disclosure Scotland Protecting Vulnerable Groups Scheme prior to commencing your studies. Information on how to complete the application is enclosed. In **addition** if you are a UK resident but are/have been temporarily resident outside of the UK (for a period of 12 months or more) you must also provide **one** of the following to cover the period when you were absent from the UK:

1. A 'Certificate of Good Conduct' from the relevant authorities or a letter from the police authority from the country in which you are/were resident confirming that you have no criminal record. This information is available from the following countries:

Argentina, Australia, Austria, Belgium, Bermuda, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Finland, France, Germany, Ghana, Greece, India, Italy, Ivory Coast, Jamaica, Japan, Lebanon, Luxembourg, Malaysia, Malta, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Romania, Singapore, South Africa, Spain, Sweden, Switzerland, Syria, Trinidad & Tobago, Tunisia, Turkey, Uganda, USA, Zambia.

2. If you are/were not resident in any of the above countries and you are unable to obtain the above information, you are asked to provide a further written character reference. This reference should be provided on letter-headed paper by a

professional person (e.g. employer, doctor, teacher etc) who is not related to you and whom you have known for at least the last two years. The referee should not be the same as the referee on your postgraduate application form. The purpose of this additional reference is to confirm the referee has known you for a period of two years and can vouch for your good conduct and character. In addition you must complete and return the enclosed Self-Declaration Certificate.

Appendix B2 (Undergraduate UK)

Information for Undergraduate UK Students intending to firmly accept their offer of admission for a programme of study requiring a Criminal Record Check

The University requires applicants admitted to study Community Education, Medicine, Nursing, Oral Health Sciences, Social Work or Teacher Education to undergo a criminal record check prior to full matriculation. For UK domiciled students this check is carried out by an organisation called Disclosure Scotland, which accesses records from all police authorities in the UK. This information sheet aims to provide you with advice on what information must be provided by you in order to fulfil this requirement. Please note that if you are applying for a Social Work programme your criminal record check will be administered by the Scottish Social Services Council and you will be contacted separately regarding this.

Applicants who are UK residents and have not had any temporary absence (of 12 months or more) when they have lived outside of the UK

If you are intending to **firmly accept** the University of Edinburgh's offer of admission to study Community Education, Medicine, Nursing or Teacher Education you must join the Protecting Vulnerable Groups Scheme prior to commencing your studies. Information on how to complete the application is enclosed.

Applicants who are normally UK residents but who have had a temporary absence (of 12 months or more) during which time they have lived outside of the UK

If you are intending to **firmly accept** the University of Edinburgh's offer of admission to study Community Education, Medicine, Nursing or Teacher Education you must join the Protecting Vulnerable Groups Scheme prior to commencing your studies. Information on how to complete the application is enclosed. In **addition** if you are a UK resident but are/have been temporarily resident outside of the UK (for a period of 12 months or more) you must also provide **one** of the following to cover the period when you were absent from the UK:

1. A 'Certificate of Good Conduct' from the relevant authorities or a letter from the police authority from the country in which you are/were resident confirming that you have no criminal record. This information is available from the following countries:

Argentina, Australia, Austria, Belgium, Bermuda, Brazil, Canada, China, Colombia, Costa Rica, Denmark, Finland, France, Germany, Ghana, Greece, India, Italy, Ivory Coast, Jamaica, Japan, Lebanon, Luxembourg, Malaysia, Malta, Morocco, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Romania, Singapore, South Africa, Spain, Sweden, Switzerland, Syria, Trinidad & Tobago, Tunisia, Turkey, Uganda, USA, Zambia.

2. If you are/were not resident in any of the above countries and you are unable to obtain the above information, you are asked to provide a further written character reference. This reference should be provided on letter-headed paper by a professional person (e.g. employer, doctor, teacher etc) who is not related to you and whom you have known for at least the last two years. The referee should not be the

same as your UCAS referee. The purpose of this additional reference is to confirm the referee has known you for a period of two years and can vouch for your good conduct and character. In addition you must complete and return the enclosed Self-Declaration Certificate.

Appendix B3

University of Edinburgh Self-Declaration Certificate

This certificate must be completed if you are unable to provide a 'Certificate of Good Conduct' from your normal country of residence. In addition you must also supply an additional written character reference (see the enclosed guidance notes).

Surname:

Forename:

Date of Birth:

Degree Applied for:

UCAS Personal ID and Course Code:
(Undergraduate Applicants Only)

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 cautions)
 - I have a bind-over orders.
 - 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 you must inform the Admissions Office immediately. Failure to do so may result in withdrawal of your place.

This form should be returned, along with a written character reference to: College of <Insert College>, Address Line 1, Address Line 2, Address Line 3, Address Line 5.

Appendix B4: Sample Letters

Sample letter to International Applicants who have a relevant criminal conviction and have applied to a programme requiring PVG Scheme membership

Date

Title Forename Surname
Address Line 1
Address Line 2
Address Line 3

Dear Title Surname,

Application for <Course 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 criminal conviction. Relevant criminal convictions are defined as those for offences against the person, whether of a violent or sexual nature, and convictions for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking. All successful applicants to the above programme must be members of the Protecting Vulnerable Groups Scheme prior to commencing studies. However, as you have been based outside of the UK you need to provide additional information. In order to process your application further please forward the following information:

1. A letter from the relevant police authority providing specific details of any offence for which you have been convicted or received a reprimand, warning or caution. This information should include full information relating to dates and the nature and length of sentence.
2. The names and contact information of any social worker, probation officer, or other professional who we may approach on your behalf for further information regarding this matter.
3. Any other relevant information, that you would like to draw to our attention at this stage and which you feel may be of assistance.

The above information should be sent to The Head of Admissions, Student Recruitment & Admissions, 57 George Square, Edinburgh, EH8 9JU in an envelope marked "Strictly Confidential". Once received, a small panel of University staff will review this information and you will be contacted in writing with details of the final decision on your application for admission.

I must emphasise that 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,

Admissions Officer

Sample letter to UK applicants who have a relevant criminal conviction and have applied to a programme not requiring PVG Scheme membership

Date

Title Forename Surname
Address Line 1
Address Line 2
Address Line 3

Dear Title Surname,

Application for <Course Title>

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

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 forward the following information:

1. Specific details of any unspent criminal convictions. This information should include full information relating to date of the conviction, the nature of the conviction and the nature of sentence.
2. The names and contact information of any social worker, probation officer or other professional who we may approach on your behalf for further information regarding this matter.

The above information should be sent to The Head of Admissions, Student Recruitment & Admissions, 57 George Square, Edinburgh, EH8 9JU in an envelope marked "Strictly Confidential". Once received, a small panel of University staff will review this information and you will be contacted in writing with details of the final decision on your application for admission.

I must emphasise that 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,

Admissions Officer

Sample letter to UK applicants who have a relevant criminal conviction and have applied to a programme not requiring PVG Scheme membership, for whom we have received a Basic Disclosure

Date

Title Forename Surname

Address Line 1

Address Line 2

Address Line 3

Dear Title Surname,

Application for <Course Title>

Thank you for your application for admission to the above programme at the University of Edinburgh. We have now received a copy of your Basic Disclosure from Disclosure Scotland.

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 forward the following information:

3. Specific details of any unspent criminal convictions. This information should include full information relating to date of the conviction, the nature of the conviction and the nature of sentence.
4. The names and contact information of any social worker, probation officer or other professional who we may approach on your behalf for further information regarding this matter.

The above information should be sent to The Head of Admissions, Student Recruitment & Admissions, 57 George Square, Edinburgh, EH8 9JU in an envelope marked "Strictly Confidential". Once received, a small panel of University staff will review this information and you will be contacted in writing with details of the final decision on your application for admission.

I must emphasise that 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,

Admissions Officer

Appendix C

Policy statement on the secure handling, use, storage, retention and destruction of Disclosures and Disclosure information

Introduction

1. The Code of Practice (“the Code”) is published by Scottish Ministers under section 122 of Part V of The Police Act 1997 (“the 1997 Act”). The Code sets out obligations for registered bodies, countersignatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 (“the 2007 Act”).

General Principles

2. The University of Edinburgh complies with the Code and the 1997 and 2007 Acts regarding the handling, use, storage, retention and destruction of disclosure information provided by Disclosure Scotland. The University complies with the Data Protection Act 1998 (“the 1998 Act”) and will provide a copy of this policy to anyone who requests to see it.

Usage

3. We use disclosure information only for the purpose for which it was requested and provided. Disclosure information will not be used or disclosed in a manner incompatible with the purpose. We will not share disclosure information with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing.

Handling

4. The University of Edinburgh recognises that, under section 124 of the 1997 Act and section 66 and 67 of the 2007 Act, it is a criminal offence to disclose disclosure information to any unauthorised person. Disclosure information is only shared with those authorised to see it in the course of their duties. The University of Edinburgh will not disclose information provided under subsection 113(B)(5) of the 1997 Act, namely information which is not included in the certificate, to the subject.

Access and Storage

5. The University of Edinburgh does not keep disclosure information on an individual's personnel file or student record. It is kept securely, in lockable, non-portable storage containers. Access to storage units is strictly controlled to authorised and named individuals, who are entitled to see such information in the course of their duties.

Retention

6. To comply with the 1998 Act, the University does not keep disclosure information for longer than necessary. For the 1997 Act, this will be the date the relevant decision has been taken, allowing for the resolution of any disputes or complaints. For the 2007 Act, this will be the date an individual ceases to do regulated work for the University. We will not retain any paper or electronic image of the disclosure information. We will, however, record 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. The same conditions relating to secure storage and access apply irrespective of the period of retention.

Disposal

7. The University will ensure that disclosure information is destroyed in a secure manner i.e. by shredding, pulping or burning. The University will not keep disclosure information which is awaiting destruction in any insecure receptacle (e.g. a waste bin, confidential waste sack or unlocked desk/cabinet).

Umbrella Bodies

7. Before acting as an Umbrella Body (i.e. a body which countersigns applications for Disclosures or makes declarations in relation to PVG disclosure requests on behalf of other organisations), the University of Edinburgh will the following steps. The University will ensure that the organisation on whose behalf we are acting can comply with the Code and the 1997 and 2007 Acts. We will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain, and dispose of disclosure information in full compliance with this policy. We will also ensure that any body or individual for whom applications or requests are countersigned has such a written policy. If necessary, will provide a model policy for that body or individual to use or adapt for this purpose.