



## **Procedure for applicants who have disclosed criminal convictions**

### **1. Purpose and Scope**

This procedure sets out the way in which admissions practitioners will manage applications from applicants to degrees which are exempt from Rehabilitation of Offenders Act 1974 who have disclosed that they have criminal convictions, or where the University has been informed of an applicant's conviction(s) by the applicant, or by the police or criminal justice social work team.

### **2. Roles and Responsibilities**

Admissions practitioners who make admissions decisions, and those who administer the admissions process, are required to implement these procedures.

The Head of Admissions, Student Recruitment and Admissions, holds responsibility for the implementation of these procedures and the associated *Policy on applicants with criminal convictions*.

The Student Disclosure Assessment Panel is responsible for assessing the risk of admitting a student with a criminal conviction. The membership and remit of the Student Disclosure Assessment Panel is included as Appendix 4 of this procedure.

### **3. Degrees which are exempt from the Rehabilitation of Offenders Act 1974**

- 3.1 Degrees which require students to carry out regulated work are exempt from the Rehabilitation of Offenders Act 1974. Successful applicants will be required to join the Protecting Vulnerable Groups (PVG) Scheme as a condition of entry.
- 3.2 Applicants for these degrees are required to indicate on their application if they have any received any 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).

### 3.3 *Process for applicants who have disclosed they have a criminal conviction on their application*

3.3.1 The academic selection procedure for applicants who have disclosed that they have a criminal conviction is identical to the process for all other applications.

3.3.2 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 not eligible for an offer will not be asked to submit further information.

3.3.3 Following the decision that an offer could be made, the admissions selector will contact the applicant to ask for further information about their criminal conviction(s). Applicants will normally be given three weeks to respond, 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 response time may be set.

3.3.4 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.

3.3.5 If the applicant provides information about a criminal conviction which is not considered to be relevant, the admissions selector will inform the applicant that information they have provided will not be taken into consideration, and the offer will be made as normal. The applicant will be informed that the University's decision to accept them onto the programme of study does not guarantee that the relevant professional body will agree to register them on completion.

Offences which are not considered to be relevant are likely to include, but are not limited to:



- Minor traffic offences
- Breach of the peace

Admissions selectors may take advice from the Head of Admissions in Student Recruitment and Admissions on the relevance of convictions.

Information about the disclosed criminal conviction will not be added to the application record, but will be retained securely by the admissions team until the student has completed their programme.

3.3.6 If the applicant provides information about a more serious criminal conviction, or if they provide information of three or more convictions, the admissions selector will ask the applicant to join the PVG Scheme or complete an existing PVG Scheme member application to register with the University. Information on how to join the PVG Scheme or to complete the existing PVG Scheme member application is available on the Scottish Government website: <https://www.mygov.scot/pvg-scheme/>. Applicants who have lived in one or more countries outside the UK for a period of 6 months or longer, either during the past 10 years or since the age of 16, will also be asked to provide an equivalent disclosure certificate from each relevant country. Further advice on obtaining overseas criminal records check certificates is provided in Appendix 1.

3.3.7 On receipt of the disclosure certificate(s), 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. Further advice on the SDAP is provided in Appendix 4.

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

3.3.8 If an applicant does not respond to a request for further information, the application cannot be progressed.

3.3.9 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 paragraphs 3.3.5-3.3.7 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.

3.3.10 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 paragraphs 3.3.5-

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



3.3.7 above to determine whether the offence needs to be referred to the SDAP or whether the offer can be confirmed.

3.3.11 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*.

#### **4. Referrals from the police or criminal justice social work team**

4.1 The University may receive information about an applicant's conviction, or pending charges, by the police or criminal justice social work where there are concerns about the management of license conditions, or about public safety. All referrals of this kind must be made to the Head of Admissions in Student Recruitment & Admissions.

4.2 The Head of Admissions will arrange for all such cases to be considered by the Student Disclosure Assessment Panel (SDAP).

4.3 The Head of Admissions will inform the applicant of the referral, and will give them the opportunity to provide any information they wish to be considered by the SDAP as part of the risk assessment.

#### **4. Compliance and Monitoring**

Compliance – managing PVG scheme membership for relevant students is a legal requirement and part of the University's risk management in relation to children and vulnerable adults. It is therefore essential that the processes set up in this procedure are fully implemented in all cases.

Admissions teams are responsible for ensuring that this procedure is followed.

Monitoring – the implementation of this procedure will be monitored by the Head of Admissions, Student Recruitment and Admissions, and reported to the Student Recruitment Management Group on an annual basis.



## 5. Related documents

Policy on applicants with criminal convictions

Procedure for overseas applicants and UK applicants who have lived abroad (Appendix 1)

Template letters and emails (Appendix 2)

University of Edinburgh Self-Declaration Certificate (Appendix 3)

Student Disclosure Assessment Panel remit (Appendix 4)

Procedure for applicants who require Protecting Vulnerable Groups (PVG) Scheme membership

Equalities Impact Assessment (EQIA) – [link to be added when published](#)

Data Protection Impact Assessment (DPIA) – [link to be added when published](#)

## 6. Who to contact for more information

Gillian Simmons, Head of Admissions, Student Recruitment & Admissions

This version replaces the procedures included in the discontinued *Policy and procedure for the admission of applicants who disclose criminal convictions or who require Protecting Vulnerable Groups Scheme membership*

If you would like this document in another format please contact the Admissions Team, Student Recruitment and Admissions at: [sra.adteam@ed.ac.uk](mailto:sra.adteam@ed.ac.uk)

**Approved by Student Recruitment and Fees Strategy Group – April 2022**

**Review: April 2025**



## Appendix 1

### 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 2.
- 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 disclosure certificate or a letter from the local police authority from the relevant country, an applicant may seek permission from the relevant admissions 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 3.
- 1.7 On receipt of the relevant certificate(s), the procedure set out in Section 3 of this procedure will be followed.



## Appendix 2

### Template letters and emails

#### **2a: 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 on applicants with criminal convictions*: <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

**2b: 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.



# THE UNIVERSITY *of* EDINBURGH

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



## Appendix 3

### 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)*

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University of Edinburgh UUN

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### 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.



# THE UNIVERSITY *of* EDINBURGH

- ☐ 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:

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Date:

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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>*



## **Appendix 4**

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

#### **1. Remit**

- 1.1 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.
- 1.2 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.
- 1.3 The SDAP has a responsibility to consider the best interests of the applicant in this context.

#### **2. Membership**

- 2.1 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
- 2.2 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.

2.3 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.

### **3. SDAP process**

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

3.2 The Head of Admissions will request additional details from the applicant regarding the information contained in the Basic Disclosure/PVG Scheme Record, 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.



- 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.



- 3.7 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.
- 3.8 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
- 3.9 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.
- 3.10 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.





- 3.11 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.
- 3.12 Where applicable, and in line with data protection legislation, the SDAP may seek further advice from relevant professional bodies.
- 3.13 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 2018.
- 3.14 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.
- 3.15 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.
- 3.16 In considering all cases referred to it, the SDAP must adhere to relevant legislation.
- 3.17 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.

## **4. Appeals**

- 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 process set out in this procedure was not followed during the disclosure assessment process.

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.

- 4.3 When a letter of appeal is received, the Director of Student Recruitment and Admissions will determine whether a prima facie case exists.
- 4.4 If the grounds for appeal are those stated in 4.1(a), the case will normally be referred back to the SDAP for reconsideration in light of the new information.
- 4.5 If the grounds for appeal are those stated in 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.
- 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.