

### A. Does this guidance apply to me?

This document provides information and guidance about declaring certain criminal convictions to BU where you are accepting an offer of a place.

Inclusivity is a key aim for BU and we expect our students to represent a wide range of backgrounds and perspectives. Criminal convictions on your record do not represent an automatic bar to entry to BU courses, and we frequently give places on our courses to people who have criminal convictions, including those of the kind which we ask you to declare as set out below. However, we need to ensure that we safeguard the interests of everyone in the university community, which includes people under the age of 18 and people who are vulnerable in various ways. This means that we have to consider whether an unspent conviction for certain offences may represent a risk to others and consider whether/how any such risk can be appropriately managed within the BU environment.

This guidance applies if:

- you have been offered a place to study at BU (whether conditional or unconditional); and
- you are accepting, or intend to accept, that offer.

Separate guidance and declaration requirements apply to applicants for courses intended to lead to a regulated health & social care profession.

### B. What do I need to do?

You need to declare any **relevant criminal convictions**.

For these purposes a conviction is “relevant” if both (a) and (b) below apply:

(a) The conviction falls within one of the following categories:

- Offences concerned with violent or threatening behaviour or the causing of physical or mental harm to others, whether or not such harm was intended or actually caused;
- Sexual offences, including those listed in the Sexual Offences Act 2003
- Offences concerned with harassment, stalking or malicious communications
- Unlawful supply of controlled drugs or substances, including trafficking offences
- Offences involving firearms
- Any “hate crime” as defined by the Crown Prosecution Service<sup>1</sup> and equivalent offences or findings in other jurisdictions
- Arson
- Offences involving terrorism
- An offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour), or any equivalent offence in another jurisdiction

(b) The conviction is **not “spent”** under the terms of the UK Rehabilitation of Offenders Act 1974 (or any equivalent law from a country outside the UK). This provides for some convictions to be

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<sup>1</sup> <https://www.cps.gov.uk/hate-crime:an> offence which the convicting court found to be aggravated by reference to race, religion, disability, sexual orientation or transgender identity. This includes the offences in sections 29-32 of the Crime and Disorder Act 1998 and any offence which the court found to be aggravated under sections 145 or 146 of the Criminal Justice Act 2003.

disregarded after a certain periods of time have passed. The period of time varies depending on the nature of the conviction, and some very serious offences cannot become “spent”. However, apart from conditional cautions, a caution (including a youth caution or a reprimand or warning given to a youth offender) becomes spent immediately after it is given. Further guidance on how to identify whether a conviction is “spent” can be found here  
(external link): <http://hub.unlock.org.uk/information/rehabilitation-of-offenders-act-1974/>.

You should declare any criminal conviction issued in a country outside the UK which meets the description in (a) above and would not be spent if it had been imposed in the UK.

**Please do not declare any conviction or other matter which does not fall into both of these categories.** If you need further guidance on whether a conviction is within these categories, you may find the following external websites useful:

<http://hub.unlock.org.uk/>

<https://www.nacro.org.uk/>

<https://www.cps.gov.uk/>

### C. Why do we ask for this information?

Declaring a relevant criminal conviction:

- Does not affect our assessment of your ability to meet academic requirements for admission to our courses (as you are not asked to declare the conviction until after an offer has been made); and
- Only rarely prevents you taking up your place, i.e. declaring a relevant conviction does not usually result in BU withdrawing its offer

We ask for this information so that we can **identify, assess and manage any potential risks your conviction may create for others in the university environment.**

A University is a diverse environment, which brings people into contact with each other in a wide variety of ways. The University community includes students who are under the age of 18 (for whom we have particular safeguarding duties) and other people who have particular vulnerabilities which we need to consider. We need to carry out appropriate risk assessments regarding the implications of your conviction for the University community. We will consider whether, if you attend BU to undertake the course for which you have applied, your conviction creates any risks to you or others in the University environment, and whether/how these risks can be managed so that everyone is appropriately safeguarded. This includes considering any risks arising if you live in University accommodation. You will have the opportunity to comment on our risk assessment.

Following our risk assessment we may decide that your offer to study at BU is subject to one or more restrictions or extra requirements with regard to your interaction with the university community at BU. If this is the case, you will be able to decide whether you want to accept our offer on this basis.

#### **D. If I declare a relevant conviction, what will happen next?**

When you declare a relevant conviction you are also asked to provide information about your conviction on our standard form. The information you provide will enable us to carry out a risk assessment for the purposes set out above. The process which will be followed is set out in Part 2 of the University's Admissions Policy for Applicants with a Criminal Record (Policy 3E):

<https://www1.bournemouth.ac.uk/students/help-advice/important-information>

We understand that information about these matters is sensitive and confidential. We will limit access to the declaration you have made and the information you provide so that it is only processed as necessary for carrying out this risk assessment and identifying any steps we consider appropriate to manage risks identified. We will keep you informed as this process progresses. We consider the information you provide on a no-names basis as far as possible.

#### **E. What happens if I have a relevant conviction but don't declare it?**

If we offer you a place to study at BU, we reserve the right to treat your offer as withdrawn (ending any student agreement) if BU subsequently finds out that you have a relevant criminal conviction which has not already been declared and considered in accordance with this guidance and our relevant procedures.

This means that, if you have a relevant criminal conviction but do not declare it when asked to do so, when the relevant conviction is identified we may withdraw our offer to you. When you are asked to provide information or make a declaration as part of the admissions process you will be asked to confirm that the information you are providing is true, accurate and complete and warned that any offer made to you may be cancelled or withdrawn if this is subsequently found not to be the case.

**If you have any questions about this document, please contact**

[ukat@bournemouth.ac.uk](mailto:ukat@bournemouth.ac.uk)