

Open College of the Arts

Criminal Convictions Policy

Version no.	Status	Owner	Approved by	Date approved	Next review Date:
Receiving a criminal conviction whilst studying policy	Approved	Craig Dewis	OMG	15/02/2018	
1	Approved	Craig Dewis	OMG - Chair's Action	24/11/2021	June 2023

1. The purpose of this policy

- 1.1 This policy sets out the requirements to study at Open College of the Arts (OCA) whilst in receipt of an unspent criminal conviction, the process for applying, considerations that OCA make whilst determining whether to accept an enrolment, and outlining any restrictions that may be put in place, and the process by which that is determined.

2. Who does this policy apply to?

- 2.1 This policy applies to all enquirers, applicants, and students at OCA on short courses, foundation courses, undergraduate degrees, and postgraduate degrees. Certain clauses within this policy may only be applicable to certain students.

3. Linked and other policies and legislation

- 3.1 This policy is subject to [OCA's Terms and Conditions](#).
- 3.2 This policy should be read in conjunction with OCA policies including the [Admissions Policy](#), [Under 18s Admissions Policy](#), [Safeguarding Policy](#), [Learning in Secure Environments Policy](#), and the [Student Code of Conduct](#).
- 3.3 Disclosing details of criminal convictions is classified as special category data under the [General Data Protection Regulations](#) and [Data Protection Act 2018](#). This data is processed under the [Data Protection Act 2018](#), Schedule 1, Part 3, paragraphs 29 & 30 (or equivalent act for outside of the United Kingdom).
- 3.4 This policy references the [Rehabilitation of Offenders Act 1974](#), the [Sex Offences Act 2003](#), and the [Terrorism Act 2006](#) or equivalent act for outside of the United Kingdom).

4. General Principles

- 4.1 OCA is an open access provider of courses. This means that where possible there are no barriers to entry and anyone from any walk of life can study.
- 4.2 Having a relevant unspent criminal conviction will not normally exclude an applicant or student from an OCA course.
- 4.3 Decisions regarding the entry or continued study of students with relevant unspent convictions, are taken with due consideration for the safeguarding and wellbeing of the applicant or student themselves, and of the OCA student body as a whole. In addition we will also consider OCA's ability to fully support any applicant or student. OCA reserves the right to refuse entry to a course if there is an identified unmitigatable risk to any group at OCA.
- 4.4 OCA reserves the right to impose any reasonable restrictions to services to safeguard the physical and mental wellbeing of the OCA community.
- 4.5 All applicants or students who disclose a relevant unspent conviction, charge, or conditional discharge will be treated with dignity and respect.
- 4.6 Information regarding the disclosure of a relevant unspent conviction, charge, or conditional discharge will be treated as confidential, and disclosed to staff on a need to know basis.

5. Disclosing convictions

- 5.1 Applicants and students are required to disclose relevant unspent convictions. A conviction becomes spent after successful completion of a rehabilitation period under the Rehabilitation of Offenders Act 1974 or equivalent act for outside of the United Kingdom).
- 5.2 This disclosure must take place whether applying or seeking to enrol with OCA either directly, or through a third party process, for example UCAS.
- 5.3 Applicants must disclose a relevant unspent conviction at the point of enrolment or application, or as soon as practicable thereafter. This is done through self-declaration on the relevant OCA enrolment form.
- 5.4 Students currently enrolled to a course of study are required to disclose relevant unspent convictions when applying to re-enrol with OCA, or if the conviction occurs during a term of study as soon as practicable, whichever is sooner.
- 5.5 Applicants or students unsure as to whether they should disclose information regarding a conviction should first seek advice, for example from the [Disclosure Barring Service](#).
- 5.6 Students who receive a relevant unspent conviction whilst studying with OCA should contact learnersupport@oca.ac.uk as soon as possible to discuss.
- 5.7 When a relevant unspent conviction is declared either during application, enrolment, or at any point thereafter the case will be passed to the Learner Support team to review and process the application/enrolment/case as set out in section 6.

6. Conviction review

- 6.1 In the event that a relevant unspent conviction is disclosed OCA will request the following information in order to formally review the disclosure:

6.1.1 Written confirmation of the nature of the offence, date of offence, name of court, date of conviction, and sentence.

6.1.2 Name and contact details of any Probation Officer and/or Social Worker assigned to the case, and written consent for OCA to contact and discuss the circumstances of the conviction and for any information given to form part of the review.

6.1.3 Any other information the applicant or student wishes to be taken into account, for example references from employers.

6.2 OCA will review the disclosure to ensure that:

6.2.1 The applicant meets the requirements for the course of study where applicable.

6.2.2 The applicant or student will be able to meet the requirements of the course within any constraints imposed by the conviction.

6.2.3 The offer of a place on a course or the participation in a course will not in any way compromise the safety and wellbeing of the OCA student community.

6.2.4 OCA can successfully support the applicant or student within their course.

6.3 A conviction which, in the determination of OCA, will have no material impact upon OCA will be reviewed by the Senior Learner Support Adviser taking into consideration the information provided under paragraph 6.1, and in consultation with the Programme Leader for the proposed course decide whether an offer should be made, and if any special conditions should be attached. If a more extensive investigation into the nature of the offences or conviction is required, and/or there are any concerns that the person might put members of the OCA community at risk, the case would be referred to a group under paragraph 6.4.

6.4 In the event of a conviction which, in the determination of OCA, may have a material impact upon OCA and the OCA community, the disclosure will be referred to the Head of Student Services to convene a group to consider the case including:

6.4.1 The Programme Leader for the proposed course

6.4.2 The Head of Technology Enhanced Learning (or their representative)

6.4.3 The Head of Quality and Academic Support (or their representative)

6.5 The convened group may decide to request further information from the applicant or student, with the expectation of a reply and information forthcoming within two weeks of that request, unless there is good reason for a delay.

6.6 The convened group will decide whether to permit acceptance to study at OCA, and if such an offer is made, if any special conditions are made with respect to study.

6.7 All factors in consideration will be balanced against the applicant or students' right to be treated fairly.

7. Special Conditions

7.1 In consideration of paragraphs 6.1 and 6.2 above, OCA and its authorising officers, as described in paragraphs 6.3 and 6.4 above, may impose special conditions upon a new or continued enrolment.

7.2 These special conditions are to ensure that all members of the OCA community can study effectively, and may include but are not limited to:

7.2.1 Restriction of forum access

7.2.2 Restriction to specific courses

7.2.3 Restriction of OCA-provided communication tools including email, video conferencing services and others

7.2.4 Restriction of facilities within OCA's virtual learning environment

7.2.5 Restriction of access to cloud-based storage facilities

7.2.6 Restriction of access to study events

8. Failure to disclose

8.1 Applicants or students who fail to disclose a relevant conviction, including withholding of information, will be considered under the [Student Code of Conduct](#).

9. Appeals

9.1 Applicants or students who have disclosed a relevant unspent criminal conviction do not have an automatic right of appeal against a decision as to whether or not they are offered a place on a course at OCA or in relation to any special conditions attached to an offer. The exception to this is where they believe an administrative error has been made. Applicants or students may request an administrative appeal as set out in OCA's [Student Complaints & Non-Academic Appeals Procedure](#).

10. Support for the policy

10.1 Should you need any help with this policy whilst you are enrolling to an OCA course, you should contact our Information, Advice, and Guidance team at enquiries@oca.ac.uk, where they will be able to answer any queries you have.

10.2 For information on special conditions, or how to disclose a conviction as a current student, you should contact our Learner Support team at learnersupport@oca.ac.uk, where they will be able to answer any queries you have.

11. Control of the policy

11.1 This policy was authored by Craig Dewis, Head of Student Services in consultation with OCA Staff and given approval through OCA Oversight Management Group in November 2021.

12. Reviewing the policy

12.1 OCA will work closely with OCASA to gather student feedback on the outline of the policy, its intentions, the administration of the policy, and a review of all these points in practice. These will then be fed into the next review point for the policy.

12.2 If you would like to raise any issues around this policy then you should contact enquiries@oca.ac.uk, or if you are a student, you might also wish to raise these with the appropriate OCASA representative.