



POLICY 059 CRIMINAL CONVICTIONS

If you have a disability which makes reading this document or navigating our website difficult and you would like to receive information in an alternative format, please contact: anddegree@acm.ac.uk

1. PURPOSE AND SCOPE

1.1 This Policy outlines the open, transparent and accessible way in which ACM approaches criminal convictions in relation to admission and ongoing attendance on Higher Education Programmes (Degrees) and Further Education Courses (Diplomas).

1.2 This Policy applies to applicants and students studying at ACM Guildford, ACM Birmingham and ACM London on programmes validated by Middlesex University.

2. POLICY STATEMENT

2.1 This policy will normally be considered in conjunction with ACM's main Admissions policy and Student Conduct and Discipline policy.

2.2 ACM has a duty of care to its staff and students and therefore needs to be informed of any alleged criminal activity and/or convictions by its students and by any applicant to ACM.

2.3 Disclosure will not necessarily bar an individual from studying at ACM. This will depend on the circumstances and background of the individual's offence(s). Some types of investigation, charge or offence (e.g. sexual or violent offences) may be particularly strong indicators that an applicant is unsuitable and should not be offered a place; or that a current student may be suspended, excluded or dismissed from ACM.

2.4 When assessing whether an applicant or student is unsuitable, the Criminal Convictions Panel or Student Disciplinary Panel will consider the following:

- The nature of the offence(s);
- An assessment of risk to members of the ACM community;
- How long ago the offence(s) took place;
- In the event of more than one offence, whether each was a single occurrence or part of a series of similar occurrences;
- The potential impact on fellow students, staff and others with whom the applicant will have contact;
- Evidence of the efforts that have been made to elicit extra information from the applicant and from other bodies, such as the Probation Service, and the applicant's cooperation with this process.

2.5 These factors must be balanced against the rights of the applicant to be treated fairly. Therefore the panel may also look at attaching specific conditions on the offer an applicant may receive, such as not residing in student accommodation.

Applicant disclosure of criminal convictions

2.6 All applicants are required to disclose any unspent relevant convictions as part of the application process. This includes unspent relevant convictions from offences committed outside the UK. Failure to disclose any unspent relevant convictions may result in an offer of study being rescinded. All disclosures are treated confidentially and restricted to relevant members of staff. Any Applicant receiving a conviction/being charged with a relevant offence **during** the application process must ensure they inform ACM immediately at admissions@acm.ac.uk

POL_059 CRIMINAL CONVICTIONS POLICY

2.7 When declaring if you have a criminal conviction, first consider if you have a relevant conviction(s) and then whether it is unspent. Reference may be made to the Rehabilitation of Offenders Act 1974.

2.8 A relevant criminal disposal is deemed to include any of the following: a criminal court conviction resulting in a custodial sentence (including suspended sentences), a formal court fine, a community order, a youth rehabilitation order, a conditional discharge, a conditional caution (including youth conditional cautions), or an active relevant court order (such as a Restraining Order, Criminal Behaviour Order, or Sexual Harm Prevention Order) in the UK or any other jurisdiction, involving one or more of those listed below:

- Sexual offences, including those listed in the Sexual Offences Act 2003;
- Offences listed in the Terrorism Act 2006;
- 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;
- The unlawful supply of controlled drugs or substances where the conviction concerns intent to supply, commercial drug dealing or trafficking;
- Offences involving firearms;
- Offences involving arson.

If the above does not apply, any conviction is not deemed relevant and as such does not need to be declared.

2.9 If you have an unspent conviction but are unsure if it will be relevant, you may disclose this conviction confidentially and we will advise whether we consider it to be relevant. If it is not relevant, no further action will be taken and no record of your conviction will be kept.

2.10 If an applicant does have a relevant conviction, the criminal conviction can become 'spent' after a period of time. The length of time it takes to become spent is defined in England by the Rehabilitation of Offenders Act 1974 and depends on the sentence, the person's age at the time of the offence or disposal made by the court following the conviction. Until that period has passed, the conviction is considered 'unspent' and must be declared.

Important Note on Calculation: Please note that almost all sentences carry an additional, legal "rehabilitation period" during which the conviction remains active (unspent). The rehabilitation period does not run alongside a sentence; it begins after the entire sentence (including any prison or licence/parole period) has been fully completed. For example, a court sentence of 1 year may carry an additional rehabilitation buffer period of several years after the 1 year is served. If this combined total time has not passed, your conviction is unspent and you must declare it. Pleading ignorance of how these legal timeframes are calculated, or assuming a conviction is automatically spent because the face value of the sentence has ended, will not be accepted as a valid reason for non-disclosure. Failure to disclose will result in your application or offer being handled under paragraph 2.6.

Further convictions can impact when other convictions become spent. Sentences of over four years in prison cannot become spent. Most cautions, reprimands and final warnings become spent immediately, so will not normally be 'unspent'. Careful reference should be made to the Rehabilitation of Offenders Act 1974.

POL_059 CRIMINAL CONVICTIONS POLICY

2.11 Applicants must, upon request, provide full details of any/or all convictions they may have disclosed under points 2.6 to 2.8 above.

2.12 Applications from candidates with criminal convictions will receive careful consideration by the Criminal Convictions Panel, consisting of Designated Safeguarding Lead, Admissions Manager and relevant Programme and Quality Managers or nominees, with advice from Senior Managers where deemed necessary.

2.13 ACM reserves the right to reject any applicant with a relevant unspent criminal conviction or any applicant who may in ACM's opinion jeopardise the security, safety or reputation and integrity of ACM or its community, or where there are other relevant professional considerations.

2.14 If your conviction is not considered relevant, we will advise you of this and no further action will be taken. We will not keep any record of the information you have disclosed.

2.15 Matters relating to disclosures of Criminal Convictions are managed by the Designated Safeguarding Lead (DSL) or nominee.

Procedure when applicants disclose criminal convictions

2.16 If an applicant declares a relevant or pending conviction, the case will be referred to the Admissions Manager.

2.17 The applicant will be contacted and requested to complete ACM's Criminal Conviction Disclosure Form, providing full details of the offence, the outcome or sentence (including length of any sentence imposed), and all relevant dates.

2.18 The Admissions Manager may request further information if required (e.g. from a probation officer) and will convene a Criminal Convictions Panel to review the case.

2.19 The Panel will consider information relating to an application and a conviction on a redacted "no names" basis. The Admissions Manager or nominee will carry out redaction of material being put to the Panel for consideration.

2.20 The Panel will assess the nature of the offence, the time elapsed, any applicable rehabilitation period as listed in the *Rehabilitation of Offenders Act 1974*, and any support arrangements that may be required to ensure the safety and well-being of both the applicant and the ACM community.

2.21 The Panel may take one of the following actions:

- Approve and continue without conditions;
- Approve and continue subject to specific conditions;
- Defer pending further information;
- Reject admission or terminate enrolment.

2.22 Correspondence relating to the declaration of criminal records by an applicant (including any DBS Disclosure information) shall be kept within a controlled, secured area of the ACM's document retention system, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Criminal conviction arising whilst on a course of study

2.23 Where a student who is already enrolled on a course of study with ACM receives a new, relevant criminal conviction, or is arrested, placed on police bail, or formally charged with a relevant offence (including offences outside the UK), the student must inform the Admissions Team in writing within 2 working days at admissions@acm.ac.uk

2.24 Upon receipt of a disclosure from an enrolled student under paragraph 2.23, ACM will conduct an independent risk assessment. Where a student is charged but not yet convicted, this process will assess whether temporary, precautionary campus adjustments are required to manage safeguarding risks. This process is distinct from the applicant assessment framework to ensure the student's right to a fair trial and the presumption of innocence.

Bail Conditions & Pausing Disciplinary Action

2.25 Students must also disclose any specific police or court bail conditions that may conflict with their attendance at ACM, their access to campus facilities, or their interaction with other students. Where a live police investigation or criminal court process is ongoing, ACM will generally pause any internal student misconduct investigations relating to the incident until the legal process concludes. Precautionary, non-punitive risk management measures will remain in place during this period.

Student Welfare Support

2.26 ACM recognises that undergoing a police investigation or court process is highly stressful. Any student who makes a disclosure under these clauses will be proactively offered independent emotional and wellbeing support through ACM's Student Services team, which operates entirely separately from the risk assessment panel.

2.27 Where it is deemed that a student has a new relevant, unspent criminal conviction or has been charged with a relevant offence, the student is required to send written confirmation of the conviction and details behind the conviction to admissions@acm.ac.uk for consideration. If they are sent to trial, ACM must also be kept informed at all stages of any significant change in legal status, either by the student or by their legal representative. If the student is convicted then this must also be reported along with details of any sentence imposed.

2.28 Students declaring criminal convictions will receive careful consideration by the Criminal Convictions Panel consisting of Designated Safeguarding Lead, Student Engagement Manager and relevant Programme and Quality Managers or nominees of the aforementioned, with advice from Senior Managers where deemed necessary. The procedure outlined in paragraphs 2.16 to 2.22 shall be followed.

2.29 Conduct which may constitute a criminal offence may also amount to misconduct under ACM's Student Conduct and Discipline Policy. Therefore, in addition to any criminal convictions process, the student may be subject to disciplinary action by ACM.

2.30 ACM reserves the right to remove any current student with a relevant unspent criminal conviction who in ACM's opinion may jeopardise the security, safety or reputation and

POL_059 CRIMINAL CONVICTIONS POLICY

integrity of ACM or its community, or where there are other relevant professional considerations.

2.31 The Admissions Manager or nominee is responsible for communicating the outcome of any risk assessment which results in a decision to offer or reject an application with the individual student.

Non-disclosure of criminal offences

2.32 If at any time during a student's enrolment on a course of study at ACM it becomes known that the student has a previously unspent, relevant criminal conviction that they failed to disclose at the point of application or notify ACM of in a timely manner, then they will be subject to ACM's Student Conduct and Discipline Policy and this Policy.

2.33 For the avoidance of doubt, it is deemed a disciplinary offence not to have disclosed any unspent, relevant conviction(s) from the UK or overseas at the point of application or while enrolled, regardless of whether the conviction is subsequently spent at the time of actual disclosure or when such information becomes known to ACM.

2.34 If there is reason to suspect an undeclared conviction (for example, via a third party, a referee or the UCAS Verification Unit), the matter will be referred immediately to the Admissions Manager.

2.35 If material information comes to light after an offer has been made but before enrolment, the offer may be withdrawn.

Clearing and Adjustment

2.36 Applications made during Clearing will be checked for declared criminal convictions. Given time constraints during Clearing, it may be necessary to ask the applicant to defer entry until a fuller assessment is possible.

Use of DBS disclosures

2.37 ACM is registered with the Disclosure and Barring Service (DBS). Where programmes require DBS checks (which may include programmes with placements), disclosures shall only be requested by authorised staff and only where required by the programme or placement. ACM will comply with the DBS Code of Practice, which includes ensuring that statements about criminal records are included in recruitment material, and that having a criminal record is not automatically a bar to admission.

Storage, handling, retention and disposal of information

2.38 All correspondence and disclosure information (where applicable) will be stored securely, with access restricted to authorised personnel.

2.39 Where DBS disclosures are used, they will normally be destroyed no later than 6 months after the outcome unless retention is otherwise justified.

2.40 Where applicants proceed to enrolment, ACM retains information on the criminal convictions procedures undertaken, including declarations of criminal records, Panel records and any risk assessments carried out in relation to information declared by the applicant.

ACM will normally retain this information throughout the time that you are a student at ACM and for a period of six years after you leave ACM. This is to enable ACM to manage risks and to account for our decisions over an appropriate period of time.

Complaints relating to a criminal conviction decision

2.41 Students may utilise ACM's Complaints and Grievances Policy and Procedure should they feel removal from a course of study is unjustified.

2.42 Through utilising the Complaints and Grievances Procedure, applicants to ACM may request a review of ACM's admission and offer decision, but may not appeal a decision. This is because ACM's Appeal Policy is used alongside a request to review an academic decision.

3. RESPONSIBLE PARTIES

3.1 The Policy Review Committee is responsible for the cyclical monitoring and review of this Policy in liaison with the Policy lead. The Criminal Convictions Policy lead is:

- Admissions Manager

3.2 Decisions and appropriate actions in support of the implementation of this Policy will be authorised by the following designated staff or their nominees:

- Admissions Manager
- Academic Registrar
- Executive Dean of Education
- Quality Assurance and Enhancement Manager
- Designated Safeguarding Lead
- Principal of Further Education
- Senior Management Team

3.3 Reference Points

3.3.1 Internal:

- Admissions Guidance
- Student Complaints and Grievance Policy
- Data Access and Protection Policy
- Equality and Diversity Policy
- Safeguarding Policy
- Fitness to Study Policy

3.3.2 External:

- Middlesex University Regulations, B: General Regulations for Admissions
- UALab Admissions Policy
- QAA Quality Code Chapter B2: Recruitment, Selection and Admission to Higher Education
- Data Protection Act 1998
- General Data Protection Regulation (GDPR)
- Rehabilitation of Offenders Act 1974

POL_059 CRIMINAL CONVICTIONS POLICY

- Public Interest Disclosure Act 1998
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Privacy and Electronic Communications (EC Directive) Regulations 2003
- The Freedom of Information Act 2000
- The United Kingdom Data Protection (Processing of Sensitive Personal Data) Order 2006
- Protection of Freedom Act 2012

4. DOCUMENT HISTORY AND NEXT REVIEW

Version:	1.2
Approved on:	August 2025
Approved by:	Academic Board
Next review:	August 2027