



Student Criminal Offence Data Policy

POL/CS/2023/001

Lead Officer (Post):	Vice Principal Student Experience and Quality
Responsible Office/ Department:	Data Control
Responsible Committee:	Learning, Teaching and Research
Review Officer (Post):	Data Controller
Date policy approved:	28/03/2023
Date policy last reviewed and updated:	22/02/2023
Date policy due for review:	28/03/2026
Date of Equality Impact Assessment:	09/08/2022
Date of Privacy Impact Assessment:	N/A

Accessible versions of this policy are available upon request. Please contact the Governance and Policy Officer on 01463 279000.

Policy Summary

Overview	<p>Why is the policy required?</p> <p>This policy is required to provide a clear position on processing student criminal offence data across UHI and all partners.</p>
Purpose	<p>What will the policy achieve?</p> <p>The policy will provide a unified approach to processing student criminal offence data across the university partnership and ensure parity of student experience and compliance with data protection law</p>
Scope	<p>Who does the policy apply to?</p> <p>This policy applies to all applicants and students of UHI and all partners, regardless of mode or level of study.</p>
Consultation	<p>Who has been consulted on the policy, and who will be notified?</p> <p>The policy has been developed with feedback from key practitioner groups from the university partnership to ensure that best practice is reflected in the policy and accompanying procedures.</p>
Implementation and Monitoring	<p>Who will be responsible for implementing and monitoring the policy, and what resources/ costs will be incurred?</p> <p>Partners are responsible for ensuring that the policy and procedures are followed in their own organisation.</p>
Risk Implications	<p>What are the risk implications of this policy?</p> <p>The risk implications exist if academic partners do not comply with the policy. Partner institutions are responsible for monitoring compliance with the policy on an annual basis.</p>
Link with Strategy	<p>How is this policy linked to University strategy?</p> <p>This policy supports the UHI's commitment to provide a safe and supportive learning environment for all. It also aims to ensure that all partners comply with the UK GDPR for processing criminal offence data and rehabilitation of offender's legislation.</p>
Impact Assessment	Equality Impact Assessment: Completed 09/08/22. No action required.
	Privacy Impact Assessment: n/a

1. Policy Statement

- 1.1 UHI and partners are committed to providing a safe and supportive learning environment for students, staff, visitors, members of the public and external partners. This policy on processing student criminal offence data forms a key part of that commitment, alongside a suite of other policies and procedures.
- 1.2 UHI and partners are committed to the principles of equality of opportunity. This policy has been developed to ensure that applicants and students are treated fairly and transparently regarding admission and/or continuing studies with UHI and partner institutions.

As a general principle, UHI and UHI Inverness do not ask for student criminal offence data.

Applicants applying for particular programmes that include a work placement or community-based work e.g. education, health and social care, are required to register with Disclosure Scotland for a PVG check - see our Policy and Procedure on Protecting Vulnerable Groups (PVG) Scheme membership for students for further detail. UHI and UHI Inverness reserve the right in certain circumstances to withhold access to certain modules, courses, learning environments (physical and virtual) and placements following completion of a risk assessment if we are unable to provide a safe and supportive learning environment

2. Definitions

- 2.1 **UHI and partners:** The University of the Highlands and Islands is a virtual body, made up of 13 independent colleges and research institutions.
- 2.3 **Duty of Care:** Our responsibility to use professional expertise and judgement to protect and promote the best interests of students, staff, visitors, members of the public and external partners, and to ensure that we exercise an appropriate level of care towards them, as is reasonable within the parameters of our relationship.
- 2.4 **Risk assessment:** A process to assess the risk that may be posed to our community based on the disclosure of criminal activity or conviction (only where it is deemed to be significant and/or relevant to the course of study). In some circumstances this may involve more than one partner from the university partnership if a student engages with multiple campuses either physically or via a virtual platform.
- 2.5 **External agencies:** This may include police forces, prison services, social work departments, health services and support organisations.

3. Purpose

- 3.1. The purpose of this policy is to ensure there is a consistent system implemented across the UHI partnership for the processing of criminal conviction and criminal offence data when it has been disclosed to a staff member. This policy fits in a broader framework of policies which includes:
 - Fitness to practise guidelines (course-specific)
 - Gender Based Violence Policy (forthcoming AY22/23)
 - Mental Health Strategy
 - Placement and Externally Supported Learning Policy
 - Policy on Protecting Vulnerable Groups (PVG) Scheme membership for students
 - Safeguarding Policy

- Support to Study Procedure
- Student Code of Conduct
- Student Conduct Policy
- Student Disciplinary Procedure
- Student Mental Health and Counselling Policy
- Suicide Intervention and Risk Management Policy and Guidance

3.3 **Data Sharing and Privacy**

- 3.3.1 UHI Inverness is committed to protecting the rights and freedoms of individuals with respect to the collection and processing of their personal data. Disclosed criminal activity and criminal offence data, is treated in strict confidence and is normally only shared with staff who are directly involved in the risk assessment process or on a need-to-know basis, where applicable.
- 3.3.2 UHI Inverness has a statutory duty arising from the Counter-Terrorism and Security Act 2015 'to have due regard to the need to prevent people from being drawn into terrorism', known as the Prevent duty. Established protocols allow the sharing of Prevent-related concerns between relevant public bodies.
- 3.3.4 We encourage all applicants and students to disclose information about any relevant criminal convictions or police proceedings which may affect their ability to take part in/complete key aspects of their programme or placement. This includes personal restrictions or other conditions arising from court orders or parole conditions e.g. travel, contact with others and use of equipment.

3.5 **UCAS Applications**

- 3.5.1 For UCAS higher education applications, on certain courses where criminal convictions are relevant to an applicant's suitability, applicants will be asked to disclose any criminal convictions (including spent convictions).
- 3.5.2 UHI will process any information disclosed via UCAS in accordance with this policy.
- 3.5.3 Should applicants be applying through UCAS for a course where they are not required to disclose the information but are concerned about criminal convictions, they should contact the Admissions Dept to discuss confidentially.

3.6 **External Agencies**

- 3.6.1 UHI Inverness may receive information about an applicant or student from external agencies. Any information disclosed via external agencies will be treated in accordance with this policy.
- 3.6.2 UHI Inverness commits to working with external agencies as necessary, i.e. third sector, social work teams, police forces, Offender Management Units and Multi Agency Public Protection Arrangements (MAPPA), liaising with/being part of Child Protection & Adult Protection Committees locally.

3.7 Risk Assessments

Risk assessments are carried out where significant concerns exist based on the evidence of student criminal activity. All risk assessments should be completed anonymously e.g. the identity of the applicant/student should not be known and should only be identifiable by a reference number allocated by the Admissions Team. The risk assessment must be undertaken by an independent manager with appropriate training and experience, taking into account:

- Whether admission or retention of the individual would pose a significant and unacceptable risk to our community, including the individual, students, staff, visitors, members of the public and external partners either physically or virtually.
- Whether there are any specific requirements related to the course applied for (or being undertaken) which need to be considered, including placements, future employment, and membership of professional organisations.
- Type/category of offence; date of occurrence; any restrictions in place on the individual.

3.8 Support for applicants and students disclosing criminal offence data

3.7.1 We will offer support and guidance to applicants/students disclosing criminal offence data about course selection and career planning and advise on the scope for any potential course or placement adjustments.

3.7.2 Under some circumstances UHI Inverness may have no choice but to advise applicants/students that due to their circumstances supporting an application/retention on a course will not be possible. In this situation UHI Inverness will work with individuals to try to identify suitable alternatives.

4 Scope

4.1 This policy applies to all applicants and students of UHI and all partners, regardless of mode or level of study, at any point during application or whilst enrolled.

5 Exceptions

5.1 This policy applies without exceptions, exclusions, or restriction.

6 Notification

6.1 All staff who are involved in receiving criminal offence data and carrying out risk assessments should be familiar with this policy and procedure.

6.2 In addition to the staff identified in 6.1, Safeguarding Leads and Deputies should be familiar with this policy and procedure.

6.3 The policy will be publicly available on our website.

6.4 Relevant regional groups such as Admissions Sub-group, Safeguarding Group and Student Support Group will include any updates to the policy or procedure as an agenda item to ensure that staff group have an opportunity to discuss changes and best practice.

7 Roles and Responsibilities

- 7.1 UHI Inverness is responsible for ensuring relevant staff receive appropriate training and support to aid implementation of the policy.
- 7.2 UHI Inverness Board of Management are responsible for approving the policy, ensuring the legal compliance of the policy and ensuring that it is followed.
- 7.3 The Principal and the EMT are responsible for operational compliance with the policy set by the Board of Management and the Lead and Review Officers are responsible for ensuring the policy is reviewed to ensure currency. The Principal and EMT are also responsible for ensuring the operational effectiveness of the policy and making provision for training for all staff.
- 7.4 Safeguarding Leads and Deputies are responsible for supporting relevant managers tasked with completion of a risk assessment and providing advice and guidance to Admissions staff in relation to disclosures.

Legislative Framework

- [Children and Young People \(Scotland\) Act 2014](#)
- [Counter-Terrorism and Security Act 2015](#)
- [Data Protection Act 2018](#)
- [Equalities Act 2010](#)
- [UK General Data Protection Regulation \(GDPR\) 2021](#)
- [Mental Health \(Care and Treatment\) \(Scotland\) Act \(2003\)](#)
- [Police Act 1997](#)
- [Police and Fire Reform \(Scotland\) Act 2012](#)
- [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#)
- [Protection of Vulnerable Groups \(Scotland\) Act 2007](#)
- [Rehabilitation of Offenders Act 1974](#)
- [Sexual Offences Act 2003](#)
- [Sexual Offences \(Scotland\) Act 2009](#)

8 Related Policies, Procedures, Guidelines and Other Resources

- Complaints Handling Procedures
- Fitness to Practise Guidelines (course-specific)
- Gender Based Violence Policy (forthcoming AY22/23)
- Mental Health Strategy
- Placement and Externally Supported Learning Policy
- Policy on Protecting Vulnerable Groups (PVG) Scheme membership for students
- Safeguarding Policy
- Safeguarding Procedure
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9 Version Control and Change History

Version	Date	Endorsed/ approved by	Amendment(s)	Author
0	August 2022	Partnership Council	New single policy	Steven Gregg
1				
2				
3				
4				