



Graduate School of the Environment Applicant and Student Criminal Convictions Policy

1. Introduction and Scope

- 1.1. The Centre for Alternative Technology is committed to providing and maintaining an atmosphere that is conducive to the academic and social wellbeing of its Graduate School community.
- 1.2. CAT has a duty of care to the safeguarding of its staff, students, visitors and clients. In order to discharge this duty, it is incumbent upon the Graduate School to consider the impact of any criminal convictions and police investigations.
- 1.3. The Graduate School acknowledges that some applicants may have criminal conviction(s) or be subject to a police investigation prior to making an application to the university. Equally students may be subject to a criminal investigation, charged with an offence or convicted of a criminal offence during their time at CAT.
- 1.4. The Graduate School Applicant and Student Criminal Convictions Policy and process operates in accordance with relevant statutory legislation, our validation University partners, and professional body and regulatory requirements.

2. General Principles

- 2.1. There is a requirement for all students to declare police investigations and relevant criminal convictions to the university prior to and throughout the duration of their course, including when a student is on a Study Break (Intermission/Leave of Absence). This requirement also applies to all applicants who have received and accepted a formal offer of a place from CAT.
- 2.2. Having a criminal record will not necessarily be a barrier to being admitted to a course or continuing a course where a criminal conviction occurs whilst studying with us. We require information to enable us to discharge our safeguarding duty of care to protect staff, students, and visitors including children and at risk adults accessing CAT's learning activities and services. On this basis, CAT expects its applicants and students to be honest and open about any criminal convictions.
- 2.3. Procedures are in place to ensure that safeguarding and suitability review decisions are based on fair assessment, taking into account the applicant or student's needs, the safety of the CAT community, CAT's legal duties, and for courses regulated by PSRBs, the requirements of professional bodies which regulate an applicant's or student's chosen course.

2.4. Most convictions become 'spent' after a period of time. Factors such as the type of sentence, length of sentence, age at the time of sentence or further convictions can impact when convictions become spent. To determine if convictions are spent or unspent, please see guidance from the [Ministry of Justice](#) or seek independent advice.

2.5. CAT will

2.6. only consider 'unspent' convictions in accordance with the [Rehabilitation of Offenders Act 1974](#) (ROA).

2.7. Examples of relevant convictions which we require you to disclose are:

- Conviction for any type of violence including threatening behaviour, offences concerning the intention to harm or offences which resulted in the actual bodily harm and any offences involving the possession or sale of firearms, knives or other weapons
- Convictions and restraining orders for sexual offences and offences of harassment and stalking, including those listed in the Sex Offences Act 2003
- Convictions for unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (drug offences involving only possession are not relevant offences).
- Convictions for offences involving arson.
- Convictions for offences listed in the Terrorism Act 2006.

2.8. Applicants and students are not required to declare driving offences that do not result in a custodial sentence unless the offence involved death or serious injury.

2.9. All information provided as part of this process will be considered objectively assessing any risk to CAT staff, students, visitors and clients.

2.10. Information provided will be treated as 'sensitive, confidential data' in line with the CAT's Data Protection Policy, and the General Data Protection Regulations.

3. Disclosing conviction(s) - applicants

3.1. CAT requires applicants to declare all relevant criminal convictions and conditional cautions, and any ongoing police investigations or criminal charges. Irrespective of the route of application, the programme application form requests disclosure of all police investigations and all relevant criminal convictions.

3.2. CAT can withdraw an application if an applicant is under investigation but has not yet been charged.

3.3. Applicants on non-professional programmes do not need to declare spent convictions or simple cautions, reprimands, or final warnings.

3.4. If an applicant is convicted of a criminal offence after submission of their declaration, they must inform CAT at the earliest opportunity.

- 3.5. If an applicant receives an offer to study and requires a visa or an extension to a visa, then the applicant will have to declare any criminal convictions (including minor offences) when applying to UK Visas and Immigration (UKVI).
- 3.5.1. Applicants should be aware that there is a possibility that UK Visas and Immigration may reject a visa application on the grounds of a prior criminal conviction. Immigration rules and guidance on studying under the Student Visa route should be reviewed.
- 3.5.2. For more information on the declaration of criminal convictions on Student visa applications and immigration rules surrounding criminal convictions visit [UKCISA international student advice and guidance - Student route: eligibility and requirements](#).
- 3.6. Advice can be obtained from the Admissions Team.

Current students

- 3.7. Students are required to inform CAT by contacting Student Support of any conditional cautions, criminal convictions, pending charges or ongoing police investigations during their time as a student in the Graduate School.
- 3.8. Current students and students returning from a break in study must immediately inform student support, if they are charged, convicted, or receive a police caution, reprimand or warning in relation to offences listed in Section 2.6.
- 3.9. Students do not need to declare spent convictions or simple cautions, reprimands, or final warnings
- 3.10. The Safeguarding Lead Officer will be informed of any student conviction.
- 3.11. When making a disclosure you should bear in mind that, as well as the details of the offence and the sentence, CAT will consider the circumstances surrounding the offence and explanation, as well as whether your personal circumstances have changed since the offence.

Other disclosures

- 3.12. CAT may become aware or may be notified that a student or applicant has a relevant criminal conviction, caution, ongoing police investigation, charges or criminal proceedings. Such disclosures may come from external parties, media, incident reports and the Police.
- 3.13. Where relevant and in the interests of safety or safeguarding, the Police may disclose to CAT relevant criminal convictions, cautions, pending police investigations, charges or proceedings.
- 3.14. CAT reserves the right to consider such disclosures, request further information from students and applicants, and use the information provided to consider if the disclosure is required to be considered under this procedure or any other graduate

school procedures (such as the Student Charter or Student Disciplinary Regulations and Procedures)

Failure to disclose

- 3.15. If a person applying for a programme fails to declare a relevant conviction(s), or police investigation, the application may be considered to be fraudulent. Applications may be rejected for failure to disclose or partial disclosure.
- 3.16. Any student who failed to disclose a relevant conviction during the application process can be withdrawn from the Graduate School immediately for a breach of contract.
- 3.17. Students who fail to declare a relevant criminal conviction(s) or ongoing police investigation may be subject to disciplinary proceedings and ultimately may be expelled from CAT.

General programmes

- 3.18. For general programmes and modules, applicants and students must disclose unspent convictions, as defined by the ROA.
- 3.19. There may be a limited number of occasions, such as a research project that require a student to have contact with children and/or vulnerable adults. On these occasions, students are required to declare ALL convictions and cautions, and a disclosure may be required from the Disclosure and Barring Service (DBS) and may be considered at by the CAT ethics research process prior to granting approval for the project to take place.
- 3.20. The successful completion of some programmes may lead to an application for registration with a professional body. Applicants and students applying for such programmes are advised to seek advice from such professional bodies regarding the impact of criminal conviction(s) on their chosen career.
- 3.21. Students and applicants should be aware that if accepted onto certain programmes they may also be required to declare all convictions on any application for registration with a professional body. While CAT may be willing to admit an applicant on a programme of study or allow a current student to continue, successful completion of the programme does not guarantee that the student will be able to practise or take up a related profession.
- 3.22. Advice can be obtained from Student Support or a Programme Leader

4. Procedure following the disclosure of criminal conviction(s) or police investigation/criminal proceedings

- 4.1. Upon receipt of a criminal conviction disclosure, or a notification that a student is subject to police investigation or criminal proceedings, the Student Support office will

liaise with appropriate staff to determine if any immediate action needs to be taken. This may include:

- Assessing if there are any immediate risks to staff, students, clients and visitors.
- Assessing if interim precautionary action needs to be taken, including suspension of a student from placement and/or the university pending the outcome of Police investigations or the outcome of a Criminal Convictions Panel (See Appendix 1)
- Referring students to appropriate support services (See Appendix 1).
- Requesting additional information from the student/applicant.
- If appropriate, the case may be referred to a Fitness to Practise Panel for consideration.
- Referring the case to the relevant Criminal Convictions Panel (CCP).
- Referring the case to the Student Disciplinary Procedures.
- A recommendation that a student who is in custody be excluded or expelled from the University.

4.2. Applicants are normally required to respond to the request for further information within 2 weeks. If no response is received, then the application may be withdrawn.

4.3. Students who fail to respond to requests for information regarding disclosed convictions within 5 working days may be suspended (See Appendix 1), and will be unable to resume their studies until the information is received and considered by the appropriate Criminal Convictions Panel.

5. Stage One: Criminal Convictions Panel (CCP)

5.1. All conviction(s) will be considered by the appropriate CCP, taking into account the individual circumstances of the case, in view of current practice and the CAT's duty-of-care to staff, students, visitors and clients.

5.2. Students and applicants will be given the opportunity to provide written representation to the Panel. All information provided to the Panel will be considered confidentially as sensitive personal data.

5.3. The panel will normally include: Head of School, CAT Safeguarding Officer, Programme Leader, and a representative from Student Support. Other individuals may be included depending upon circumstances.

5.4. The Panel will consider all information provided and will assess whether the declared information or conviction poses any risk to university staff, students, visitors and clients.

5.5. All considerations by the panel regarding disclosures detailing cautions and convictions will be treated in strict confidence.

5.6. In making a decision, the Panel will consider whether admission or continuation of studies of the individual poses a real threat to the safety or property of staff, students, visitors, local community or others involved in CATs business. The following factors will be taken into account:

- The nature and circumstances of the offence(s)
- an assessment of risk to members of CATs community and others with whom the applicant or student will have contact whilst studying
- How long ago the offence(s) took place
- Likelihood of repeat reoffending
- The individual's current circumstances
- consideration of any relevant professional codes of practice and/or government legislation.

5.7. The Panel may:

- Seek advice from professional/academic members of staff or external representatives to assess any implications on the programme, placement or future career.
- Request additional information.
- Defer consideration of a decision where there is a pending charge or ongoing investigation.
- Refer the case for consideration under the Student Code of Behaviour and Student Disciplinary Procedures, Fitness to Study Policy or any other CAT policy or procedure.

5.8. After consideration of the disclosed conviction(s) the relevant CCP may make the following recommendations:

Applicants

- Reject the application.
- Recommend that the applicant is advised to consider an alternative programme of study.
- Recommend the application is accepted, subject to satisfactory police checks (such as Enhanced DBS Disclosure).
- Recommend the application is accepted.

Students

- No further action is required, and the student is allowed to continue on the programme.
- A recommendation that the student be excluded from the programme for a defined period.
- A recommendation that the student is expelled from the programme with or without an award.
- Recommend that the student is advised to consider an alternative programme of study.

- Recommend that the student is referred to other university procedures such as the CAT Student Charter, and Student Disciplinary Procedures, or Fitness to Study procedures.

5.9. The decision of the CCP will be notified to the applicant or student in writing and the applicant or student will be advised of the appeals process, as outlined in Section 6.

5.10. If the CCP recommend exclusion for a defined period of time or permanent expulsion from the programme or the university, this will be referred to the Head of School via the Student Support office for approval. The Head of School in discussion with the relevant validating university reserves the right to determine whether the student should be conferred with an academic award.

5.11. Where a student is expelled from the CAT and excluded from regulated activity and where there are concerns that the person has caused harm, or poses a future risk of harm to vulnerable groups, including children, the university has a legal obligation to make a referral to the DBS. <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>

6. Stage Two: The Criminal Convictions Appeals Panel (CCAP): Appeal other than against expulsion

6.1. Appeals against the findings of the Criminal Convictions Appeals Panel (CCAP) follow this route, rather than the normal Appeals process. The decision of the CCAP cannot be referred to a validating university partner. If the original decision of the CAP is upheld then further appeals must be made to the Office of the Independent Adjudicator for Higher Education (OIA) – see section 7.

6.2. If an applicant or student is dissatisfied with the outcome of a meeting of a Criminal Convictions Panel and considers that the decision of the panel is unreasonable or the procedures have not been followed correctly, they may appeal against the decision to the Criminal Convictions Appeals Panel (CCAP). Disagreement with the decision of the Panel is not in itself sufficient grounds for appeal.

6.3. The applicant or student must write to Student Support within 10 working days of receiving the written decision of the Criminal Convictions Panel. A full statement detailing the reasons for the appeal and supporting evidence must be provided. Appeals will not be accepted if they are submitted outside of the deadlines or if the appeal contains no reference to the grounds for appeal stated in 6.1.

6.4. The CCAP will consider the information provided by the applicant or student, the decision and documents of the original CCP and the appeal submission from the applicant/student. New information will not normally be permitted at this stage.

6.5. The CCAP will consider whether the decision was reasonable in the circumstances of the case and if the procedure was followed correctly.

6.6. The Criminal Convictions Appeals Panel may:

- Amend the decision of the original CCP.
- Uphold the decision of the original CCP.
- Refer the case back to the CCP for reconsideration.
- Defer the decision pending further information.
- Reject the appeal.

6.7. The decision and any recommendations or advice of the CCAP will be notified to the student or applicant and to the Student Support.

Stage 2: Appeals against expulsion

6.8. Appeals against the findings of the Criminal Convictions Appeals Panel (CCAP) follow this route, rather than the normal Appeals process. The decision of the CCAP cannot be referred to a validating university partner. If the original decision of the CCAP by Trustees -see 6.1 - is upheld, then further appeals must be made to the Office of the Independent Adjudicator for Higher Education (OIA) – see section 7.

6.9. The decision to exclude or expel a student will be confirmed by the Head of School. Students will not be informed of the outcome of a Criminal Convictions Panel until the Head of School has confirmed the decision, and then a letter will be sent to the student confirming the exclusion or expulsion

6.10. Appeals on the exclusion decision of the Panel will only be considered on the following grounds:

- the decision not to admit the applicant was not commensurate with the seriousness of the conviction;
- the findings of fact in support of the decision were manifestly perverse
- the Panel was not conducted in accordance with this policy and procedure

6.11. An appeal against exclusion must be made in writing to the Student Support Manager and submitted within 20 working days after receipt of the letter informing the student of the decision of the Panel.

6.12. Appeals against exclusion or expulsion are considered by CATs Board of Trustees.

7. Completion of Procedures and the Office of the Independent Adjudicator (OIA)

7.1. The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. The Centre for Alternative Technology is a member of this scheme. If a student is unhappy with the outcome, they may be able to ask the OIA to review their complaint. Students can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right if something has gone wrong at <https://www.oiahe.org.uk/students>.

- 7.2. A student normally needs to have completed the Applicant and Student Criminal Convictions procedure (including the appeals procedure) before they can complain to the OIA. CAT will send a student a letter called a “Completion of Procedures Letter” when they have reached the end of our processes and there are no further steps the student can take internally. If the student’s appeal is not upheld, CAT will issue the student with a Completion of Procedures Letter automatically. If the appeal is upheld or partly upheld the student can ask for a Completion of Procedures Letter if they want one.
- 7.3. Students can find more information about Completion of Procedures Letters and when they should expect to receive one at <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.

8. Amendments and review of policy and process

- 8.1. CAT reserves the right to amend and review the Criminal Convictions Policy in the light of operating experience and/or prevailing circumstances such as government legislation, changes to validating University policies, or changes to professional body requirements.

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