

THE COMMUNITY SUPPORT FRAMEWORK

INTRODUCTION

The Open University is committed to equal opportunity for all students. However, we must also consider our responsibilities to the University community of staff and students and to events where we engage with the wider general public.

As such when a criminal conviction, HMPPS (or other criminal justice agency) licence, Court Imposed Order or similar relevant condition/restriction is declared a student will be supported by our Students in Secure Environments Team (SiSE).

SiSE has over 40 years' experience of working with criminal justice agencies across the UK and beyond and are supported by a Ministry of Justice contract to undertake support for students in prisons, secure hospitals and those with unspent criminal convictions studying in the community.

OVERVIEW

The University seeks to admit the widest range of students who may benefit from our programmes of study and this includes students with criminal convictions.

The University seeks to balance fairly its obligations towards applicants with criminal convictions, with its obligations to the entire student and staff community as well as those visiting the University or attending its events.

The University has a duty of care to students, staff, and visitors which is both moral – a general responsibility to promote the welfare of our students and staff – and legal, in the form of a duty to take appropriate steps to protect students, staff, and visitors.

In the area of criminal convictions, the University takes the view that it should consider all available information about whether an applicant who accepts an offer of study has a relevant unspent criminal conviction - as part of a holistic assessment of an individual, their suitability to study the course of their choice and the impact upon the wider University community. This assessment is undertaken with the SiSE team in Student Additional Support by a panel of experienced managers.

The University therefore requires all applicants who accept an offer of a place to study to disclose to the University any unspent, relevant criminal convictions at **point of registration**.

Such disclosure will not result in an automatic cancellation of an offer or exclusion from the University. Rather, the nature of the offence and all relevant information pertaining to the conviction will then be considered in order to determine whether the University considers there to be any unacceptable risk of harm to the wider University community, and/or make adjustments to the course of study that mitigate risks for both the student and the University community.

RELEVANT CONVICTIONS

Relevant convictions are defined as:

- I. Offences listed in the Sexual Offences Act 2003 (in the United Kingdom; or equivalent Act for outside of the United Kingdom);
- II. 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;
- III. Offences listed in the Terrorism Act 2006 (in the United Kingdom; or equivalent Act for outside of the United Kingdom);
- IV. The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
- V. Offences involving firearms, weapons, firearms, crossbows and knives;
- VI. Offences involving arson;
- VII. Fraud
- VIII. Offences of human trafficking, slavery and forced labour.

We also consider relevant convictions to be those offences related to any person under 18 considered a child under English law- see Children Act 2004.

UNSPENT VERSUS SPENT CONVICTIONS

There is no requirement for an applicant to disclose a conviction which is 'spent'. An applicant who is unsure whether their conviction is 'unspent' and therefore needs to be disclosed can seek advice from the charities NACRO - <https://www.nacro.org.uk/> or Unlock - <http://www.unlock.org.uk/> .

RESPONSIBILITIES

There is a shared responsibility for the development of staff at the University, which is summarised below. It is recognised that there will be differences between Units and Departments as to how these responsibilities are fulfilled.

EXCEPTIONS

Some courses which are closely linked to particular professions have their own strict requirements which are governed by professional, statutory, and regulatory bodies (PSRBs) with regard to the background of the

students admitted. In these cases, the University is required to ascertain whether any applicant has 'relevant' criminal convictions, including some which are 'spent'. For these programmes, a satisfactory Disclosure and Barring Service (DBS) check will be required as a condition of offer. Applicants accepting an offer including a DBS check as a condition are not required to make self-disclosure as set out in this policy. Any relevant, adverse information disclosed by the DBS will be considered in accordance with the requirements and policy for the programme for which the DBS check is required and as such this policy is not applicable in those circumstances.

SISE SUPPORT OF STUDENTS WITH UNSPENT RELEVANT CONVICTIONS

In requiring the disclosure of any unspent, relevant criminal convictions the University is not seeking to make moral judgements concerning the past actions of an applicant. The purpose of assessing an applicant's criminal conviction(s) is to seek to determine whether, based on evidence, an applicant poses an unacceptable risk to the safety of the University community. The disclosure of any unspent, relevant criminal conviction will not result in automatic exclusion or the cancellation of an offer. All relevant information will be considered and a risk-based approach is taken to whether there are reasonable grounds to exclude the applicant from admission to the University or to place any specific conditions on study, for example exclusion from University face to face events and/or online activity.

The SiSE Team own the framework for supporting students with relevant criminal convictions and the process for the assessment of risk for this.

Where such conditions/restrictions/orders are in place SiSE will liaise with the student and their supervising agent in the community to calibrate risk assessment and support for the student.

The focus will be on whether there are restrictions/conditions in place and or an evident risk that might necessitate adjustments to study with the University.

SiSE will undertake a positive, evidence-based risk assessment in collaboration with the student and their supervising agent/agency.

Where such restrictions/conditions or an assessment determines a risk of medium or above level then SiSE will provide adjustments and alternatives to study to enable successful completion of that study.

RISK ASSESSMENT

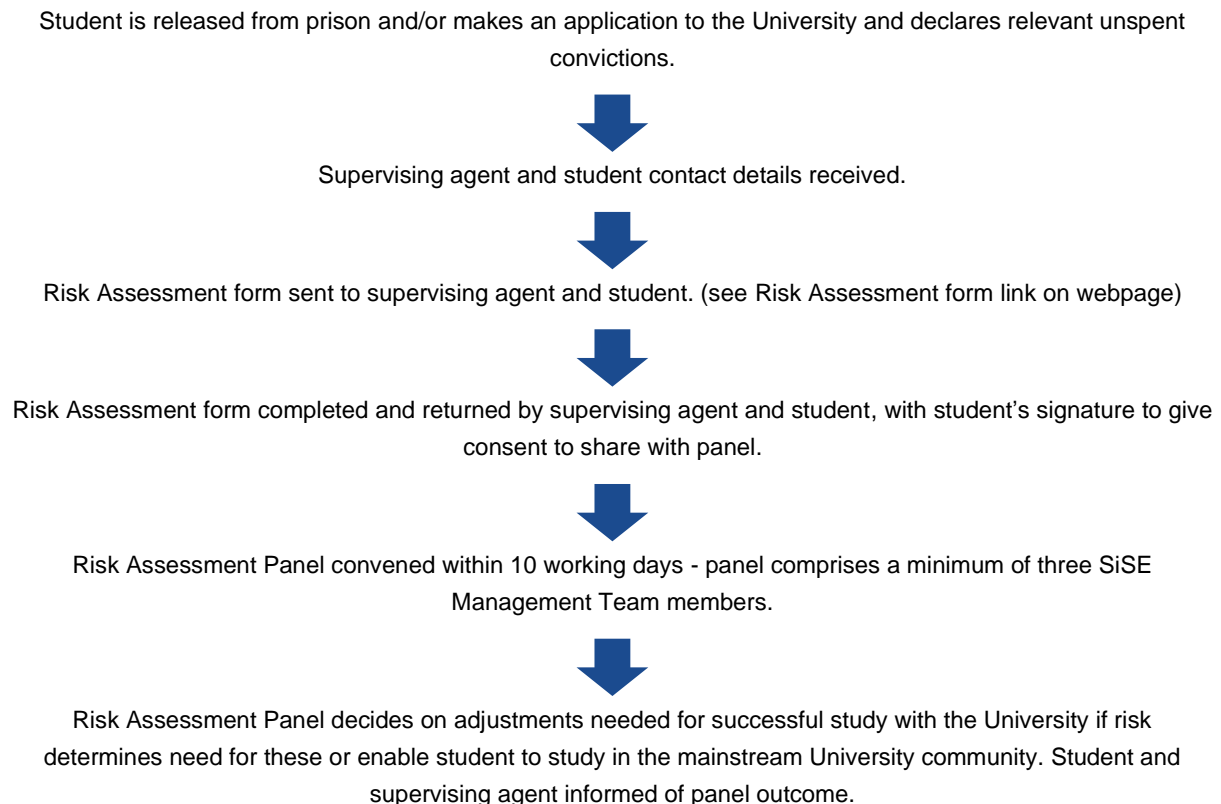
The definition of a risk assessment is a systematic process of identifying hazards and evaluating any associated risks, then implementing reasonable control measures to remove or reduce them.

For study at the University we undertake a Risk Assessment based on evidence from the student and supervising agent where a student has declared a relevant criminal conviction.

This Risk Assessment not only safeguards the University community but the student in that it will adhere to measures designed to mitigate the risk of reoffending.

Completed Risk Assessments are then taken to a panel of managers from the SiSE team who are experienced in supporting students with criminal convictions for review and action.

RISK ASSESSMENT PROCEDURE



RISK ASSESSMENT FRAMEWORK

When a Risk Assessment is taken to panel, the panel will consider both the legal restrictions placed upon the student by the supervising agency and/or court imposed order and the balance of risk in engaging in mainstream study for the student and the OU community.

The Risk Assessment Panel will consider the following in its duty:

- The nature of the offence(s)
- The time that has passed since the offence was committed
- Any additional information provided by other sources, such as the Probation Service, Social Services or senior prison officers, in the form of independent references or reports
- If more than one offence was committed, the number of offences and whether each was a separate offence or part of a series of similar offences.

The Risk assessment Panel will make the following decisions:

- Whether further information is required from the applicant or a third party
- Confirm that the applicant has satisfied the criminal convictions condition with no further conditions relating to the criminal conviction.
- Confirm that the applicant has satisfied the criminal convictions condition but that further measures may be imposed on the student, for example specific support for the applicant, restrictions to face to face activities and participation in online activities. In such cases the panel will contact the student to outline the additional conditions set.

Diligent risk assessment ensures that all factors are considered to mitigate risk for both the student, the University community and the wider public.

This could mean that although there are no court placed restrictions upon a student the panel may decide that in order to sensibly protect the student and the University community alternative programmes and methods of study will be recommended.

For example - where there may be no restrictions placed for online access it may be that the assessment and panel recommendations evidence medium or higher risk to vulnerable adults and children. And, in order to safeguard students, staff and the wider general public, access to some online and interactive facilities may be denied either indefinitely or for a period of time.

When this is evidenced, all reasonable alternatives will be made to enable the student to successfully study with the University.

The University has over 40 years of supporting students to successful study via alternative methods. Thousands of students have successfully completed undergraduate and postgraduate study whilst in secure environments without access to online facilities.

APPEALS

If it is decided by the Panel to support study with specific conditions on the basis of the conviction(s) disclosed, then the applicant may seek a review of the Panel's decision. Such a review will only be permitted on the grounds that additional information or evidence has come to light which may indicate that the Panel would have arrived at a different decision had this information been considered, or in the case of a procedural irregularity. The University will not review a decision to cancel an offer of admission, or to impose specific conditions, where the grounds for requesting a review are simply that the applicant disagrees with the outcome and/or where there is no evidence that the correct procedures have not been followed.