

Unlocking Potential: Principles for Fair Admissions

These principles have been developed in collaboration with the Unlocking Potential Advisory Board and drawing on the work of Unlock UK1, and are designed to help providers establish fair and inclusive policies for applicants with criminal records.

1. **An appreciative understanding of applicants with a criminal record**

Most applicants with a criminal record will not be subject to ongoing monitoring by the criminal justice system. They will not be subject to any restrictions that will affect their ability to complete most courses. Where applicants are subject to monitoring – for example on a community sentence - HE providers should trust the system to do its job rather than try to replicate it.

2. **Focusing on supporting admissions**

Admissions is about access to education – it must be identified if a criminal record would prevent an applicant completing that course. Other elements of university life such as visa approval, accommodation, extra-curricular activities, and careers advice may require different considerations and a distinct policy. Separating these will help identify if, and when, it is necessary to ask about criminal records in relation to admissions decisions.

3. **Distinguishing between courses where Garda Vetting is necessary and those where it is not.**

Define the categories of courses requiring Garda Vetting and obligations therein.

4. **Asking only when it is necessary**

The Information Commissioner's Office (ICO – the UK's independent body set up to uphold information rights) have issued guidance to HEIs and it is clear that the collection of criminal records information must be necessary and proportionate. Asking an applicant about their criminal record should only be part of the admissions process if, and when, it is necessary. For most courses, it is not necessary to ask at any stage. HE providers should provide enough information to applicants, so they can assess for themselves whether their criminal record might prevent them from successfully completing a course.

Any admissions policy that collects criminal records data must be compliant with General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Distinguishing between Garda Vetting and non-Garda Vetting courses makes clear if, when and what needs to be asked. For Garda Vetting courses this may be pre-enrolment, or at a later stage. For non- Garda Vetting courses, HE providers should consider if and when to ask targeted questions or encourage voluntary disclosure. In all cases, a policy should set out why this information is collected and how it is handled.

¹ UK fair Admissions Toolkit. (2019) Available at:

<https://recruit.unlock.org.uk/wpcontent/uploads/FairAdmissionsToolkit.pdf>

5. **Clear and consistent assessments for courses requiring Garda Vetting**

Your policy should inform your decision making; avoid blanket bans, treat any information disclosed to you as confidential and only share it with specific colleagues if necessary. Written information, whether official or provided by an individual, is difficult to put into context. Where you have concerns about an applicants' criminal record, arrange a face-to-face discussion. For Garda Vetting courses, HE providers should be transparent about the suitability assessment: who is involved, who has authority, what evidence, tools and training are applied and the appeal process. As far as possible the process should involve the applicant, in person.

6. **Having a clear, consistent, and accessible policy**

If you are collecting criminal records data - even for mandatory Garda Vetting courses - you must have an appropriate policy in place under the GDPR, to meet the principles of lawfulness, transparency, and fairness. Your approach should be consistent across undergraduate and postgraduate admissions and apply equally to CAO and direct entry routes. Encouraging language, data showing numbers taken on and anonymised case studies all provide reassurance that the policy is more than lip service to widening participation.

7. **Engaging and supporting applicants with criminal convictions**

Applicants with criminal records are most often drawn from other under-represented groups. Staff providing financial, pastoral, healthcare, careers, and other advice to students should be aware of any specific advice or support that could benefit students with criminal records. Access to support should be available throughout their studies and not be contingent on disclosure. Students should be made aware that they can confidentially disclose (and who to) and relevant staff should be trained in managing disclosure.

8. **Talk positively and reach out**

Applicants with criminal records should be seen as a resource rather than a burden – diversity of experience provides learning opportunities for all, and applicants with convictions are disproportionately drawn from more commonly identified WP groups² – care leavers, some ethnic groups and first in the family³. HE providers are understandably concerned about negative press. A positive, evidence-based response can help manage these concerns.

² WP Groups generally refer to groups that are recognised as not everyone has the same opportunities to flourish and succeed educationally, so aim to address these inequalities by widening participation and patterns of under-representation within these groups.

³ First in the family, also referred to as the 'first generation' generally relates to the first member of a family to attend a HEI meaning that the parent (or step-parent) did not attend a HEI.