

Session Title:	Unlocking Opportunity: The impact of a criminal record on access to HE
Speaker(s):	Charlotte Brooks PhD Researchers School of Sociology and Social Policy University of Nottingham
Chair:	Alexandra Roberts
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Speaker/Institution Bio/Information:	<p>Charlotte is working with the charity “Unlock” for her PhD research.</p> <p>Contact Unlock for advice and guidance.</p> <p>There is a search tool for universities, asking about unspent convictions and restrictions: https://unlock.org.uk/priority-issue/university-and-college-admissions/</p> <p>Prior to starting her PhD, Charlotte worked as an HE practitioner and with HELOA.</p>
Overview/Aim of session:	<ol style="list-style-type: none"> 1. What is a criminal record? 2. What do we currently know about how a criminal record impacts access to HE? 3. How can you and your institution contribute to fairer admissions for people with criminal records?
Workshop Content	<p>Reflect on how we would feel if we had to disclose something to our team on Monday.</p> <ol style="list-style-type: none"> 1. <u>What is a criminal record?</u> <p>Any logged formal sanction of police national computer, eg police warning, caution, conviction, fine, community sentence. They won't have necessarily gone to prison.</p> <ul style="list-style-type: none"> • In England, 1 in 6 people have a criminal record (equating to 11 million individuals). • “Rehabilitation of Offenders Act (1974) established a “spent” system and this carries a period of time where

people must declare a criminal record. It can take several years for a criminal record to become spent and thus no longer needing to be disclosed.

- Every year 7,000 people have a criminal conviction that needs to be declared for the rest of their life (Henley, 2008).

2. What do we currently know about how a criminal record impacts access to HE?

For **regulated courses**, such as nursing, there is a **legal requirements for applicants to disclose**.

However, other non-regulated courses, such as Maths, Sociology, they **do not have a legal requirements** for disclosure but **university are still asking this**.

Criminal record and access to HE- why is it important?

- Social justice
- Supporting desistance from offending (if in employment or HE they are less likely to reoffend)
- Widening Participation

Before 2018, UCAS required all applicants to declare an “unspent” criminal record.

Little is known about PGT and PGR process for applying with a criminal record due to universities’ autonomy of admissions process. Charlotte recommends checking your institution’s admissions policies.

Charlotte’s research has looked at 144 universities (not including colleges for scope) of which 122 universities had admissions policies on criminal records, 21 did not have an online policy. This also included Charlotte surveying heads of admissions and conducting interviews.

- 107 institutions still asked for applicants to disclose.
- 13 universities don’t ask for disclosure for non-regulated courses, from submitted the application to enrolment.
- Some universities only ask for disclosure for student accommodation.

	<p>3. <u>How can you and your institution contribute to fairer admissions for people with criminal records?</u></p> <p>Challenges:</p> <ul style="list-style-type: none"> • Which team to contact • Applicants' questions are ignored, unanswered, or directed to a lengthy policy. • Lack of transparency about factors considered • Tone of voice, stigmatising language, including in policies. For example, it is common to use the term "ex-offender", Charlotte points out however that we wouldn't refer to a colleague or employee in that manner. <p>SUGGESTED ACTION: Instead use "people with criminal records"</p> <p>Case studies highlighted concerns around risk and safeguarding. However, it was contravenes by the point that anyone could walk onto campus; all are adults over 18 so safeguarding does not apply in the same way as minors.</p> <p>Research in the US, see Hughes et al (2014), demonstrated there was no correlation with the proportion of students with criminal records and crime rates on campus.</p> <p>When contrasting language used with care leaver applicants and those with criminal records, there are clear differing approaches of support and encouragement or discouragement offered. This could lead to greater unconscious bias and prejudice.</p>
<p>Case Studies/Examples:</p>	<p><u>Affecting accommodation</u></p> <p>An institution/ housing organisation asked someone about criminal records once they had already arrived and moved into accommodation. As a result of their disclosure, they were subsequently evicted. Charlotte highlights this was unnecessary.</p> <p><u>17-year old's mistake, impacting 24 year old's employment</u></p> <p>A mature student says they "did something stupid when they were 17". Now at age 24, they are conscious of its potential impact and current continued consequence. For example, stealing a hair spray from a shop due to not having pocket money and needing to constantly disclose this mistake into their 20s at job and education interviews.</p> <p>Colleagues recommended being honest about it yet mindful of GDPR and having a sensitivity around how much to ask and how far to advise before application. Which team is best placed to advise accurately and sensitively.</p>

<p>Scenarios/ Roundtable discussions:</p>	<p>What would you consider to be important in your interaction with a university if you were an applicant with a criminal record?</p> <ul style="list-style-type: none"> - Colleagues' sensitivity around depth of enquiring when someone discloses. - Knowing how to access admissions policy. - For colleagues who have worked in the sector for a while and not yet been asked, having an impersonal advice website rather than person-to-person interaction. - Will I as an applicant be treated with confidentiality, respect etc? - Under the Criminal Records Act, legislation dictated it is classified as sensitive data (GDPR). - Tone of voice when reacting and normalisation, especially when wearing a mask. For example an "Oh!" vs a calm "okay". - Student Ambassadors at HE Fairs possibly not having had training in it. The initial reaction could be reputation and aspiration damaging. For example, putting someone off ever going to university through one colleague's ignorance and lack of training in how to respond neutrally without judgement or shock. <p>We looked at several case studies and considered:</p> <ul style="list-style-type: none"> - Was the enquiry answered? - Was the staff's response appropriate? - Would you have responded differently? - How would the applicant feel about the response? - As university staff, what other information would you like to know if you were advising the applicant? <p><u>Case study 1- Gary:</u></p> <p>History degree (non-regulated- doesn't legally need to disclose)</p> <p>Admissions staff said the criminal conviction would be reviewed and their suitability assessed for the course. Complete lack of empathy in tone of voice.</p> <p>When Gary questions the non-regulated point, the admissions staff goes onto say a risk assessment will be carried out on the applicant.</p> <p>We discussed how off putting, un-empathetic and inaccurate as well as judgmental this interaction was.</p>
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	<p><u>Case study 2- Abraham</u></p> <p>Same person answers and uses name so it's more personal and its felt more confidential.</p> <p>Some universities have confidential@email addresses so that there is greater trust and confidence.</p> <p>The staff member mentioned times they are available so they can manage the applicant's expectations.</p> <p><u>Case study 3- Sharon</u></p> <p>Given incorrect information and changed guidance in email trail without an apology. Various people answering.</p>
<p>Summary Key takeaways:</p>	<p>Consider this in EDI and unconscious bias training, especially for student facing staff.</p> <p>Use fair and respectful language and refer to sections of the policy to refer them to rather than overall lengthy policy.</p> <p>Can you transfer the applicant to a more suitable colleague, be mindful of confidentiality. (Use organisations to support knowledge and student:</p> <ul style="list-style-type: none"> • Unlock • NACRO • Prisoners Education Trust • Inside Out Wales <p>Learn the difference between “spent” and “unspent” conviction. (<i>eg the time during which there is a legal requirement for people with criminal records to disclose their conviction.</i> Charlotte highlighted even some people with the criminal record may not be familiar with these two terms. You could refer them to Unlock to continue their research.)</p> <p>Give fuller details of rationale for asking for information. For example, why do you need a risk assessment and what is the evidence and policy need for this?</p> <p><u>How can your institution make a difference?</u></p> <ul style="list-style-type: none"> - Commit to the Fair Chance Pledge. - Explore the fair admissions toolkit. - Encourage colleagues to attend training to understand how to make fair judgements about CRs. - Ask only when and if necessary - Participate in Charlotte's Research.