

RADA

Royal Academy of Dramatic Art

Criminal Record Disclosure Policy and Procedure (Student Admissions)

In this document, “you” and “your” means the student; “we”, “us” and “our” mean RADA.

Introduction

- 1.1. We no longer collect information about unspent criminal convictions at application stage but we do encourage applicants to disclose information pre-enrolment so they can be fully supported throughout their studies.
- 1.2. The Academy understands the transformational nature of higher education study and training in the dramatic arts, and the role it can play in rehabilitation. We are committed to supporting the key principles of the Rehabilitation of Offenders Act 1974, the Data Protection Act 2018 and General Data Protection Regulation. We strive to maintain a supportive learning environment in which the rights of the individual are respected, with everyone treated with courtesy and respect, regardless of their background.
- 1.3. Possession of an unspent criminal conviction does not prevent you undertaking a course of study with us. However, may be occasions when the safety and well-being of others takes priority above all other considerations. The arrangements set out in this policy aim to ensure that any decision regarding the admission of an applicant with criminal convictions is taken fairly and transparently.

Disclosing a criminal conviction

- 2.1. We will ask you at the point of registration to refer to this policy and take action to declare an unspent criminal conviction. It is your responsibility to disclose relevant unspent criminal convictions acquired during your time as a student with us. You will have an opportunity to do so at the annual re-enrolment stage, but you may also be required to do so ahead of undertaking a placement or schools/outreach activity.
- 2.2. A facility on the UK Government website enables you to check if you have any unspent criminal convictions or cautions which must be declared – this can be securely accessed at <https://www.gov.uk/tell-employer-or-college-about-criminal-record/check-your-conviction-caution>. You can also consult the website of Unlock, an independent charity supporting people with criminal convictions, for advice and guidance at <http://www.unlock.org.uk/>.

- 2.3. If you disclose an unspent criminal conviction, we will ask you for further information about it. This will help us to decide whether the unspent conviction will allow you to complete the training in full.

3. After you disclose a criminal conviction

- 3.1. If you disclose a criminal conviction, we will consider whether your being a student with us will put at risk the safety of staff, students or visitors; or is likely to compromise the learning environment. This is because some of our programmes are very intense learning environments requiring students to be open with each other. We will not unreasonably withdraw an offer: it is our aim to make our programmes available to all suitable students.
- 3.2. Disclosures will be considered, in the first instance, by the Registrar. In some cases, we may compile a Criminal Convictions Panel, comprising the Course Leader of the programme in question, the Registrar, and a third senior member of staff nominated by the Principal.
- 3.3. Where the Registrar has reasonable grounds to do so, such as safeguarding concerns, they may refer a related criminal matter that is not a conviction to a Criminal Convictions Panel for assessment. An example of when we might do this is where an applicant is placed on the Sex Offenders Register and we receive notification from the Police or other authority that the individual is considered to pose a significant safeguarding risk.
- 3.4. The Criminal Convictions Panel will consider all cases where an applicant or a student discloses a relevant criminal conviction. The Panel may ask for a Basic or an Enhanced Disclosure from the Disclosure and Barring Service (DBS) and may interview you to help them come to a decision. In the case of international/EU students the Panel may seek a criminal records check in the applicant's/student's home country, and/or a DBS check for time spent in the UK. Some courses may require an enhanced check due to the nature of the training involving work in schools and/or with under 18's.
- 3.5. Appendix 2 shows the criteria we will use in considering your case. The standard that we will apply is whether, in relation to unspent convictions or pending charges/investigations, your criminal record gives us reasonable grounds for considering that your admission or continued attendance will be compatible with registration or the continuation of registration, and that it would not:
 - 3.5.1. present an unacceptable risk to the safety or property of staff and students
 - 3.5.2. present an unacceptable risk to the safety or property of others coming into contact with you during the course of your studies

- 3.5.3. contravene the government legislation and regulations relevant to programmes which involve working with children or vulnerable adults.
- 3.6. The Criminal Convictions Panel may come to the following decisions in respect of an applicant for study:
 - 3.6.1. Confirm our offer of a place
 - 3.6.2. Confirm our offer of a place with measures/conditions attached
 - 3.6.3. Not admit to the programme of study
- 3.7. The Criminal Convictions Panel may come to the following decisions in respect of a current student:
 - 3.7.1. No further action needed in respect of the criminal record
 - 3.7.2. Referral for consideration under the Non-Academic Misconduct Procedures (in this case the record of the Criminal Conviction Panel's deliberations will be forwarded for consideration as part of the case documentation)
 - 3.7.3. Referral under another policy (eg Fitness to Train)
 - 3.7.4. Measures/safeguards necessary to put in place

4. Appeals and Complaints

- 4.1. If you wish to appeal against, or complain about, a decision taken under this policy, you should refer to the following other procedure documents:
 - 4.1.1. In the case of an appeal or complaint relating to admission, to RADA's [Admissions Appeals and Complaints policy](#)
 - 4.1.2. In the case of an appeal against a decision relating to continuation of your study as a registered student, to RADA's [Appeals Policy and Procedure](#)
 - 4.1.3. In the case of a complaint about a decision relating to continuation of your study as a registered student, to RADA's [Complaints Policy and Procedure](#)

5. Information security

- 5.1. Any information you disclose about criminal convictions, and all communication that we have with you about your criminal conviction, will be dealt with on a strictly confidential basis. Information relating to convictions is special category data under the terms of data protection legislation and we will ensure that all such information is stored and protected in accordance with our data protection policies and Privacy Notice.
- 5.2. The Registrar will keep a record of all cases dealt with. This record will ensure that any decision can be verified, to show that procedures have been correctly followed and to allow any feedback to you if required. All records and correspondence

relating to your declaring a relevant criminal conviction will be securely stored in accordance with our legal data protection requirements and our published [Privacy Notice](#).

Original Policy created	March 2019
Policy Updated	May 2021 (reviewed Sept 2024)
Document Approved by	Academic Board (Chair's Action)
Date Approved	30 September 2024
Version	2.1
Review Date	Four Years May 2025

1. Appendix 1: what is a relevant criminal conviction?

For the purposes of this policy, relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, bind over orders or similar, involving one or more of the following:

- a. 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;
- b. Sexual offences, including those listed in the Sex Offences Act 2003
- c. The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug-dealing or trafficking (drug offences only involving possession are not relevant offences);
- d. Offences involving firearms
- e. Offences involving arson
- f. Offences listed in the Terrorism Act 2006.

If you were convicted outside the United Kingdom for an offence listed above, this is also considered a relevant offence.

Within this policy, we consider cautions, reprimands and final warnings as convictions. Any convictions, cautions, reprimands or final warnings that are 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) (ie filtered and not displayed on a disclosure) do not need to be declared, and will not be taken into account.

Penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or other orders are not convictions, unless you have contested a PND or breached the terms of an ASBO or other order and this has resulted in a criminal conviction.

Convictions that are spent are not considered to be 'relevant' and therefore you should not disclose them. Most cautions, reprimands and final warnings become spent immediately, so will not normally be 'unspent'.

A criminal conviction can become 'spent' after a period of time. The length of time it takes to become spent is defined by the Rehabilitation of Offenders Act 1974 and depends on the sentence or disposal made by the court following the conviction. Until that period has passed, the conviction is considered 'unspent'. Further convictions can impact when other convictions become spent. Sentences of over four years in prison cannot become spent. The definition of 'spent' is complex, being affected by such factors as the type of the offence, the age at which the person was found guilty and the sentence received.

Criminal convictions, for these purposes, exclude motoring offences that received a fine/three penalty points or a spent sentence as defined by the Rehabilitation of Offenders Act 1974.

2. Appendix 2: Criteria for considering criminal records

In considering your case the Criminal Conviction Panel may take into account any or all of the following:

- a. The nature and circumstances of the offence or alleged criminal activity
- b. the date of the commission of the offence or alleged criminal activity
- c. any penalty imposed
- d. whether the criminal or alleged criminal activity was a one-off incident or repeated
- e. Whether the offence(s) demonstrates a pattern of behaviour that appears recurrent and ongoing
- f. your age at the relevant time
- g. your circumstances at the time of the offence
- h. your current circumstances
- i. whether you have engaged in any subsequent offending or alleged criminal activity and (if so) of what nature
- j. whether there is a likelihood of repeat offending
- k. What evidence you produce to support the view that you are unlikely to re-offend.
- l. the particular environment(s) that you would be placed in if you are studying at RADA
- m. Whether the criminal conviction is deemed 'relevant' in accordance with the terms of this policy
- n. The seriousness of any offence(s)
- o. The number of any offences
- p. Whether the offence(s) involve violence, threats of violence, or related types of behaviour which would give serious cause for concern (eg harassment)
- q. Whether there are any particular or unique circumstances surrounding the offence(s)