

Royal Academy of Dramatic Art Academic Regulations 2020-21

Appendix 14: Disclosure of criminal convictions: policy for applicants and students

Introduction

1. This policy sets out what RADA will do when an applicant to study at RADA, or a current RADA student, discloses that they have an unspent criminal conviction. The policy aims to ensure that applications are treated on their individual merits, and that criminal convictions are only taken into account when a decision has been made to make an offer to an applicant. RADA has admitted students with some criminal convictions. This policy should not be seen as designed to excluded those with criminal convictions from studying at RADA.
2. In this policy “you” and “your” means the applicant or the student, depending on context, and “we”, “us” and “our” means RADA.

Disclosing a criminal conviction

3. We will ask you at the point of offer whether you have any unspent criminal convictions, and you must tell us. You should look at Appendix 1 to this policy for more detailed guidance. The website <http://disclosurecalculator.org.uk/> helps you to check whether you have any unspent criminal convictions which must be declared; it is run by <http://www.unlock.org.uk/> which is an independent charity supporting people with criminal convictions.
4. If you disclose an unspent criminal conviction, we may ask you for further information about it. This will help us to decide whether the unspent conviction means that we change our mind about making you an offer. RADA has admitted students with some criminal convictions. This policy should not be seen as designed to excluded those with criminal convictions from studying at RADA.

After you disclose a criminal conviction

5. If you disclose a criminal conviction, we will consider whether your being a student at RADA 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.
6. Disclosures will be considered by a panel – the Criminal Convictions Panel – comprising the director of the programme in question; the Registrar, and a third senior member of staff nominated by the Director of RADA.
7. 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 the 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.
8. The Criminal Conviction Panel will consider all cases where an applicant or a student discloses a relevant criminal conviction. The Criminal Conviction Panel may ask for a Basic or

an Enhanced Disclosure from the Disclosure and Barring Service, and may interview you to help them come to a decision. Where you are applying for, or are a student on, the BA Acting or the FdA Technical Theatre and Stage Management, a higher standard is likely to apply because on those programmes you will be required to perform or work within a secondary school context.

9. 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:
 - a. present an unacceptable risk to the safety or property of staff and students
 - b. present an unacceptable risk to the safety or property of others coming into contact with you during the course of your studies
 - c. contravene the government legislation and regulations relevant to programmes which involve working with children or vulnerable adults.
10. The Criminal Convictions Panel may come to the following decisions in respect of an applicant for study:
 - a. Confirm our offer of a place
 - b. Confirm our offer of a place with measures/conditions attached
 - c. Not admit to the programme of study
11. The Criminal Convictions Panel may come to the following decisions in respect of a current student:
 - a. No further action needed in respect of the criminal record
 - b. 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)
 - c. Referral under another policy (eg Fitness to Train)
 - d. Measures/safeguards necessary to put in place

Appeals and Complaints

12. If you wish to appeal against, or complain about, a decision taken under this policy, you should refer to the following other procedure documents:
 - a. In the case of an appeal or complaint relating to admission, to RADA's Admissions Appeals and Complaints policy
 - b. 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
 - c. 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

Information security

13. 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.
14. 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.
15. If you disclose a criminal conviction and your application is successful, all records and correspondence relating to your application and supporting materials will form part of your personal record and will be kept in the same way as all other student records. Any information and correspondence relating to your conviction will be stored separately and securely. We will decide, based upon individual circumstances, and informed by the decision of the Criminal Convictions Panel and our data protection policies, on who, if anyone, within RADA should be provided with further details of a conviction.
16. If you disclose a criminal conviction and your application is unsuccessful, all paper documents will be securely destroyed and all electronic files deleted.

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Appendix 1: what is a relevant criminal conviction?

We use the UCAS definition of *relevant criminal convictions*. 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.

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 were to take up a place on a programme 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)