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Dear Clare,

Thank you for your letter.

UCAS is committed to ensuring that all students with the potential and will to progress to higher education are able to do so, and that no applicant is deterred from applying to university or college due to the questions posed as part of the application. In recent years we have been working with Unlock and the Prisoners' Education Trust to improve our information and advice to students with criminal convictions, as well as to produce resources to support those with the responsibility for advising these individuals, such as prison education officers.

The information that UCAS collects is to support the academic assessment of a student's suitability for entry into higher education. For 2018 entry, UCAS asked two questions related to criminal convictions as part of the higher education application process.

- **Question 1:** All applicants are required to declare whether they have any relevant unspent criminal convictions. This information was self-declared and non-verified.
- **Question 2:** Where an applicant applies to a course leading to certain professions or occupations exempt from the Rehabilitation of Offenders Act (1974), they are also asked to declare whether they have any criminal convictions including spent convictions that are not filtered. This is a mandatory question for the courses that it is applied to and is often accompanied by a criminal record check by the receiving provider.

Following discussions with external stakeholders including the Information Commissioner and providers, UCAS took the decision to remove Question 1 from UCAS Apply for the 2019 entry cycle to ensure full GDPR compliance and as discussed with the Information Commissioners' Office, Question 2 will remain available for use by providers for certain courses, for example those that require an enhanced criminal record check. These changes have been in place for the duration of the 2019 entry cycle.

To support the sector with these changes, UCAS has released a range of [good practice resources](#). These resources include:

- [Good practice guide](#), highlighting the principles that can underpin a provider's criminal convictions policy, under which contexts it is appropriate to ask an applicant about their criminal convictions, and what questions can be asked.
- [A detailed briefing from Unlock](#) on understanding applicants with a criminal record provides information and guidance to universities and colleges considering whether and/or how to ask applicants about their criminal record. This includes the distinctions between spent and unspent convictions, the role of the criminal justice system for the small number of people who have recent convictions for serious offences, and how to support students with criminal records to be successful in higher education. Importantly, this outlines the obligations of individuals that are still part of the criminal justice system. For example, an individual on probation would have to disclose this to any institution they wished to attend, and inform their probation officer.
- [Supporting scenarios](#): we invited higher education providers to submit scenarios for consideration by the good practice working group. This document outlines the scenarios and the suggested response to each situation.
- [A flowchart to support the good practice guide](#): helps you formulate your position on asking applicants for information about their criminal convictions, and provides you with a list of considerations to make when establishing this.
- Recordings of our seminar from earlier in the year, including the views of Unlock, The Longford Trust and the ICO.

We have also produced a range of student facing materials to support students entering HE with a criminal conviction.

Whilst UCAS is unable to request this information from applicants, the institution(s) that the applicant has applied to may be able to request this information, although they must also ensure GDPR compliance. ICO guidance suggests that the justification threshold around asking for information about criminal convictions is high, therefore any request for disclosure must be necessary, proportionate and timely. The UCAS process is one of a series of data collection exercises across the student journey, and it may be entirely appropriate and justified for the institution to collect information about criminal convictions at a later point, such as when allocating accommodation.

I hope this provides clarity regarding why UCAS made changes to the application process in relation to criminal convictions. Please do not hesitate to contact me if you require any additional information or would like to discuss further.

Yours sincerely

Clare Marchant
Chief Executive
UCAS