

King's Residences Criminal Record Disclosure Procedure

Criminal Record Disclosure Procedure (King's Residences)

The Criminal Record Disclosure Procedure (King's Residences) outlines the process that is undertaken to consider a residence applicant's criminal record disclosure ahead of making an offer of accommodation at King's Residences.

In requiring King's Residences' applicants to disclose any unspent, relevant criminal conviction/s, King's Residences is not seeking to make moral judgements concerning the past actions of an applicant. King's Residences has a duty to promote the welfare of its students and staff, and to take appropriate steps to protect the welfare of its students and staff if necessary. In meeting this duty, it is important that King's Residences is able to consider information about a residence applicant's unspent criminal conviction/s which, in the view of King's Residences, may impact the applicant's stay at King's Residences.

The disclosure will enable King's Residences to make a risk-based decision on whether there are reasonable grounds to exclude an applicant from admission to King's Residences, or to place any specific conditions on where they might live, for example that they live in a self-contained unit such as a studio. The disclosure of any unspent, relevant criminal conviction/s will not be an automatic bar to applying for King's Residences.

Process

1. Making a criminal record disclosure

At the point of registering with King's Residences through the accommodation portal King's Residences applicants will be asked to declare if they have a criminal record (unspent convictions). At this initial stage, an applicant will only be required to disclose the title of the unspent conviction. This is to allow King's Residences the opportunity to decide whether the title of the unspent conviction disclosed is a 'relevant' unspent conviction for the purposes of registering for accommodation. A 'relevant' unspent conviction is one which may have implications on King's Residences' duty to promote the welfare of its students, staff and visitors. King's Residences may contact an applicant if further information is deemed necessary, for King's Residences to be able to determine whether or not an unspent conviction is 'relevant'.

Despite the necessity for criminal record disclosure at the point of registering with King's Residences, any unspent convictions declared will only be considered further by the King's Residences Office if they are 'relevant', and at the point an offer of accommodation is to be made to the applicant.

An applicant who is unsure whether their conviction is spent or unspent should seek advice from the charities Unlock <http://www.unlock.org.uk/>

2. Assessment of 'Relevance'

The assessment of whether or not the title of a disclosed unspent conviction is 'relevant' for King's Residences purposes, will be undertaken by the Associate Director of Residences or their nominee.

If in the assessment of the Associate Director of Residences or their nominee, the title of the unspent conviction is not deemed 'relevant' the applicant will be informed of this and the record of the disclosure destroyed in accordance with the university's [data retention schedule](#).

If in the assessment of the Associate Director of Residences or their nominee, the title of the unspent conviction is deemed 'relevant', further information will be requested from the applicant and from their probation officer where applicable (see Initial Assessment at 3, below).

Examples of "relevant" offences include: Any kind of violence including (but not limited to) threatening behaviour, convictions concerning stalking and domestic violence, offences concerning the intention to harm or offences which resulted in actual bodily harm

- Sexual offences, including those listed in the Sexual Offences Act 2003
- 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)
- Offences involving firearm
- Offences involving arson
- Offences involving terrorism

Where the title of an unspent conviction is considered 'relevant', the criminal conviction disclosure and all subsequent information received or produced by King's Residences in respect of the disclosed unspent conviction will be securely stored in an Applicant Criminal Conviction Disclosure File. Access to these files will be strictly restricted to members of university staff who are required to manage this procedure and undertake the risk assessments.

3. When and how is a criminal record disclosure considered?

Where an applicant discloses the title of an unspent conviction which is deemed 'relevant', the King's Residence Office will only consider it further (i.e., carry out an "Initial Assessment") at the point an offer of accommodation is to be made to the applicant. The Initial Assessment will be carried out by the Associate Director of Residences, or their nominee, who may seek advice from King's Legal Services.

Initial Assessment

As part of the Initial Assessment, King's Residences will firstly decide within 10 working days (using a risk-based approach) whether the title of the relevant unspent conviction disclosed at the point of registration, provides reasonable grounds to exclude an applicant from admission to King's Residences entirely, or whether more information is needed for King's Residences to consider accommodating the applicant, potentially with specific conditions on where they might live (for example that they live in a self-contained unit such as a studio.) Applicant should submit any additional documents within 10 working days of receiving a request from King's Residences.

Where King's Residences decide from the title of the relevant unspent conviction disclosed that there are reasonable grounds to exclude an applicant from admission to King's Residences entirely, and the

residence application therefore be deemed unsuccessful, no further consideration will be given to the residence application and the data collected under this procedure destroyed in accordance with the university's [data retention schedule](#).

Where King's Residences decide from the title of the unspent conviction disclosed that accommodation may still possibly be provided to the applicant, a criminal record disclosure form will be sent to the applicant to request more information on the unspent conviction. Applicants will be able to use this form to provide further information for consideration by King's Residences, such as:

- i. details of the crime and unspent conviction
- ii. their age at the time of committing the offence; and
- iii. circumstances surrounding the unspent conviction.

If, based on the information provided by the applicant in the criminal record disclosure form, the Associate Director of Residences, or their nominee, determines that the unspent conviction indicates there is a low risk to the King's residential community, an accommodation will be provided without restrictions.

If, based on the information provided by the applicant in the criminal record disclosure form, the Associate Director of Residences, or their nominee, determines that the unspent conviction indicates there may be a medium or high risk to the King's residential community, the Associate Director of Residences will then convene a Criminal Record Consideration Panel.

The panel should consist of the following individuals:

- Residences Wellbeing Manager
- Head of Resident Experience and Operations
- Head of Applicant Experience and Conversion
- Student Conduct & Appeals
- Designated Safeguarding Lead
- Faculty Wellbeing & Welfare Advisor
- KCL security
- Legal Services

The role of the panel is to review the criminal record information provided by the applicant during the Initial Assessment, to enable it to assess the risk to the King's residential community if the applicant is to live in King's Residences. Information considered by the panel as part of this risk assessment includes but is not limited to:

- the nature of the unspent conviction/offence;
- the punishment passed
- how recently the offence was committed and the age of the person at the time of the offence
- circumstances surrounding the offence

The risk assessment will be guided by the Criminal Record Consideration Panel members. In considering the factors above, the Panel will reach a decision as to whether or not (and if so the extent to which) admission of the applicant to King's Residences poses a risk to the safety of the King's residential community.

There can be one of three outcomes following the Panel's assessment:

1. **Offer of a place in King's Residences.** The applicant will be notified of the Panel outcome in writing, including information about the period for which the information relating to their criminal record disclosure and associated information will be retained.
2. **Offer of a place in King's Residences with specific conditions.** The Panel has decided that the level of risk to the King's residential community may be managed by the imposition of specific conditions, such as the type of room and location available to the applicant. The applicant will be notified of the Panel outcome in writing, including an explanation of the specific conditions imposed and reasons for the decision. The applicant will be informed of the period for which the information relating to their criminal record disclosure and associated information will be retained.
3. **No offer of a place in King's Residences.** The level of risk to the King's residential community is considered by the Panel to be unacceptable, such that the applicant may not be admitted to Kings Residences. The applicant will be notified of the Panel outcome in writing, including a brief explanation of the reasons for the decision. The applicant will be informed of the period for which the information relating to their criminal record disclosure and associated information will be retained.

4. Right of Appeal

An Applicant who is unhappy with the outcome of this procedure can appeal to the Associate Director of Residences or their nominee.

The appeal must be in writing and must be made within 10 working days of the decision made.

The Associate Director of Residences or their nominee will respond providing a final decision on the matter within a further 20 working days.

Applicants are also permitted to Appeal a final decision via kingsresidences@kcl.ac.uk with a subject line of 'FAO The Associate Director of Residences or their nominee'.