

## CRIMINAL CONVICTIONS POLICY - Subject to approval

### 1. Scope

- 1.1. This policy applies to all students from 1 August 2024 onwards. It determines how LMA considers the risk to students' studies, and the wider LMA community, where a student or offer holder is accused or convicted of a serious offence (encompassing any offence which could attract a custodial (prison) sentence) which could impact on their studies or our community.
- 1.2. It also applies where an offer holder would have an unspent relevant conviction at the point of enrolment.
- 1.3. The provisions of the policy apply regardless of where and when the alleged or actual offence was committed.
- 1.4. Spent convictions do not need to be declared. If you are uncertain about whether your conviction would be considered spent or unspent you should seek independent advice.

### 2. Key Facts:

You should familiarise yourself with the whole policy, however, we would particularly draw your attention to the following elements:

Section(s)	Explanation
4.1	It is considered a disciplinary offence to not make a disclosure as required by this policy.
5	Offer holders must tell us if they would have an unspent relevant conviction at the time of enrolment or where they are subject to criminal proceedings that could affect their studies. You must tell us, at the earliest opportunity if:
6	As a student you must tell us if there is a possibility that you could be/or are convicted of a criminal offence for which a prison sentence may be applied which could affect your studies,
7	We will undertake a risk assessment to ensure that any risk to your studies and/or our community is minimised. Depending on the circumstances this may result in a number of outcomes ranging from

	no action being taken to termination of enrolment or withdrawal of offer.
8/9	Other relevant polices that may be used in conjunction with this policy are the: <ul style="list-style-type: none"> <li>i. the Student Conduct Code and Procedure;</li> <li>ii. Health, Wellbeing and Support for Study Policy.</li> </ul>

### 3. Definitions

**“We”/“Our”/“Us”/“LMA”** means the Liverpool Media Academy Ltd and **“you” / “your”** means you an offer holder or enrolled student of LMA.

**Relevant Conviction** means

- i. any kind of violence including (but not limited to) threatening behaviour,
- ii. offences concerning the intention to harm or offences which resulted in actual bodily harm;
- iii. offences listed in the Sex Offences Act 2003;
- iv. Offences involving harassment
- v. the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
- vi. offences involving firearms;
- vii. offences involving arson; and
- viii. offences listed in the Terrorism Act 2006.

**Enrolment/Enrol** means the process by which you:

- i. confirm and update as necessary, the personal details we hold for you which you provided in your application
- ii. confirm the LMA programme you are intending to study
- iii. agree to abide by, comply and engage with our Terms and Conditions and related regulations, policies and procedures
- iv. agree to pay or make arrangements to pay your tuition fees in accordance with our Tuition Fee Policy

### 4. Introduction

- 4.1. LMA has a duty of care to its staff and students and therefore needs to be informed of any alleged criminal activity and/or convictions by its students or offer holders where this might reasonable impact them or our community.
- 4.2. It is deemed a disciplinary offence not make appropriate disclosures as required by this policy.

## 5. Offer holders

- 5.1. If you would have an unspent relevant conviction at the point of enrolment, you must report this immediately to the Director of Registry: [registry@lma.ac.uk](mailto:registry@lma.ac.uk)
- 5.2. If at any time as an offer holder you are charged with any criminal offence, for which a custodial (prison) sentence could be applied, and where either the proceedings or a custodial sentence would take place while a student, this must also be reported as immediately to the Director of Registry: [registry@lma.ac.uk](mailto:registry@lma.ac.uk)
- 5.3. Failure to inform us could result in the withdrawal of your offer or termination of your enrolment.

## 6. Current Students

- 6.1. If at any time during as a student you are charged with any criminal offence for which a custodial (prison) sentence could be applied, you must report this immediately to the Director of Registry: [registry@lma.ac.uk](mailto:registry@lma.ac.uk). If you are convicted this must also be reported along with details of any sentence imposed.
- 6.2. Conduct which may constitute a criminal offence may also amount to misconduct under our Student Conduct Code and Procedure. Therefore, in addition to any criminal process, you may be subject to disciplinary action by LMA which may result in your enrolment being terminated. We will not normally conduct our own disciplinary action at the same time as criminal proceedings.

## 7. How we consider declarations made under this policy

- 7.1. Upon disclosure of criminal proceedings and/or conviction, we will conduct a risk assessment to consider the likely risk to:
  - i. your ability to successfully engage with the course; and
  - ii. The wider LMA community as a result of the alleged offence/conviction.
- 7.2. The risk assessment will be conducted by the Director of Registry and will include discussion with the student's academic course team (e.g. Head Department), and Student Support. The risk assessment may find that:
  - i. There is no risk to the you or our community and you should be allowed to continue studies as normal;
  - ii. Any risk can be managed through minor modifications to study patterns/behaviours or through a change of study mode (e.g. from on campus to online) where an

appropriate course has been approved for that mode of study. Where a suitable alternative arrangement does not exist, we are not required to make them so under this policy and suspension/termination of enrolment may be considered as considered appropriate.

- iii. There is a reasonable risk that you may not be able to engage in/complete your course until the matter is resolved/and or the custodial sentence is complete. In these circumstances we will take necessary steps to protect your academic interests. This may mean that you are required to intermit, or in some cases we may terminate your enrolment or cancel your offer. You may be able to return/reapply when the matter is dealt with subject to LMA receiving appropriate reassurance of your suitability to join our community (e.g. charges are dropped, you are acquitted or we receive a report from a probation officer)
- iv. There is a risk that your alleged or actual (in the case of a conviction) behaviour represents a risk to our community and as a result you should be suspended and/or have your enrolment terminated.

7.3. The outcome of the risk assessment and decision will be communicated to you within a timely manner, proportionate to the complexity of the case, and usually within ten working days of the student providing notification.

7.4. The initial disclosure, risk assessment and any subsequent communication will be treated confidentially and only individuals directly involved with the risk assessment will be made aware of the circumstances. All documentation will be held by the Director of Registry in accordance with General Data Protection Regulations.

7.5. If you require a visa to study in the UK and are no longer able to meet the conditions of study associated with the visa due to criminal proceedings (or the action we take following the risk assessment) we are bound to disclose this to the relevant authorities. This may result in sponsorship being withdrawn.

7.6. In all cases students will have access to our student support team for an appropriate period e.g. to provide support during criminal proceedings or to support transition out of, or in to, study.

## **8. Suspension of Studies**

8.1. Where a student subject is to criminal proceedings and the risk assessment concludes that suspension is appropriate this will be conducted in accordance with our Student Code of Conduct and Suspension Policy.

- 8.2. Where it is likely that the provisions for suspension would be insufficient (e.g. where a suspension would be longer than 12 weeks) termination of enrolment may be considered in accordance with paragraph 9 below.

## **9. Termination of Enrolment**

- 9.1. Where a risk assessment determines that termination of enrolment should be considered, the Director of Registry will refer the matter to level three of the Health, Wellbeing and Support for Study Policy (HWSfS).
- 9.2. The outcome of the referral will be in line with the available outcomes under the policy. Following referral, the Director of Registry will not participate in the HWSfS discussion and will be bound by its recommendation.