Supporting students subject to legal licence, restriction, condition or orders

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Alternative format for this policy

For an alternative format, if required, please contact the appropriate team listed under Further Clarification or phone +44 (0)300 303 5303.

Students living in Wales can speak with a student support adviser in Welsh on 029 2047 1170.

Summary of policy

The Open University's vision is to reach more students with life-changing learning that meets their needs and enriches society. As part of this vision, the University is committed to providing opportunities and support for students with unspent criminal convictions, legal restrictions, or orders. However, the University must balance its support of students with unspent criminal convictions fairly with its safeguarding obligations to the entire student and staff community, as well as visitors and attendees of its events. For this reason, the University requires that all applicants and students must declare unspent criminal convictions during the registration process. Additionally, they are expected to do so promptly if such information becomes relevant at any other point during their study. This declaration enables the University to assess each case with due diligence, ensuring appropriate measures are in place to create a safe and inclusive learning environment for all.

This policy outlines the declaration process and the adaptations which can be made to study arrangements to ensure a student does not unwittingly breach licence conditions. This policy should be read with the Conditions of Registration and Conditions of Registration for Postgraduate Research Students for the study to be undertaken.

Scope

What this policy covers

The policy applies to all enquirers, students and apprentices registered on qualifications and modules (including microcredentials or short courses) from 1 August 2024 onwards, including those under 18. It also applies to Postgraduate Research (PGR) applicants and students.

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Specifically, the policy applies to students who are released from prison, youth offender institutions, or a secure hospital who have been convicted of an offence.

There is a separate policy for students in secure environments.

What this policy does not cover

This policy does not apply to learners studying a Vocational Qualification or through our informal study routes (e.g. Open Learn) and students on paid for short courses.

Students studying with a partner, subsidiary or validated institution should refer to the institution's policies with which they are studying.

Students whose conviction, legal restrictions, licenses or orders are spent before registering for undergraduate and postgraduate taught study not governed by professional, statutory and regulatory bodies.

This policy does not cover additional entry requirements for programmes governed by professional, statutory and regulatory bodies. Further information about these programmes' entry requirements are covered in our Conditions of Registration and the Conditions of Registration for Apprentices, including the relevant Supplementary Agreements.

The Open University Student Charter Values

The Student Charter was developed jointly by The Open University and the OU Students Association. It is a declaration of our shared values and the commitments we make to each other. This document has been developed with the Student Charter values as its foundation.

Introduction

The Open University seeks to support the broadest range of students who may benefit from our programmes of study, including students with unspent criminal convictions and/or legal restrictions. The University has over 40 years of experience working with criminal justice agencies across the UK. The University is supported by agreements with relevant national prison services to support students in prisons, secure hospitals and those with unspent criminal convictions and/or legal restrictions studying in the community.

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The University seeks to balance its obligations towards applicants and students with unspent criminal convictions, legal restrictions or orders fairly with its obligations to the entire student and staff community as well as those visiting the University or attending its events.

The University has a duty of care to students, staff and visitors. The duty is both ethical – a general responsibility to support the welfare of our students and staff – and legal, in the form of a duty to take appropriate steps to protect students, staff and visitors. The University's Safeguarding Policy also reflects this position.

Students are, therefore, required to declare any unspent convictions and legal restrictions at registration immediately once they become subject to an unspent order or legal restriction. Following the declaration, the University will conduct a risk assessment to determine the impact on study options and how the study modes may be adapted if possible.

The policy is the same for all UK Nations and the Republic of Ireland.

Policy

1. Purpose

1.1 The policy's purpose is to clarify for enquirers, students, justice agencies (e.g. parole officers, social workers), and OU staff our approach to supporting students subject to legal restrictions, licence, order and unspent convictions, including:

- The declaration and risk assessment process, decisions and appeals
- How curriculum and adaptations are determined (e.g. tutor support, assessment adaptations)
- Access and adaptations to support services
- How transitions from secure environments are supported

1.2 This policy informs our curriculum, service and information provision and takes into account UNLOCK's Fair Chance Pledge.

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2. Policy principles

2.1 The University seeks to create a supportive environment and has an overriding commitment to safeguarding its community. Therefore, the University requires applicants and students to declare unspent, relevant criminal convictions (Section 3.6) as part of the Conditions of Registration. The University does not intend to pass moral judgments regarding an applicant's or student's past actions. However, based on potential risks, the University must assess the implications for study choices and necessary adaptations. The purpose of this risk assessment is twofold:

2.1.1 To assist applicants and students in fulfilling their legal obligations, licenses, restrictions, orders or conditions while recognising that it remains the individual's responsibility to comply with any legal restrictions.

2.1.2 To objectively determine, supported by evidence, whether an applicant or student presents an unacceptable risk to the safety of the University community, thus necessitating adjustments to both their study choices and the mode of study.

2.2 The disclosure and risk assessment process must consider the University's learning delivery methods, which usually include collaborative learning and access to community events and activities. Additionally, the University's community includes vulnerable adults and children who participate in learning throughout the curriculum.

2.3 The Open University recruits students globally, but the laws of England and Wales govern all the Conditions of Registration. Therefore this policy refers to 'children' as those under 18 years of age, taking into equal account the legislation and guidance of England, Wales, Scotland, Northern Ireland and other territories, including the Channel Islands. This is regardless of the country where any crime was committed or the student's current location. The Open University will always review cases based on the laws of England and Wales, especially those related to safeguarding.

3. Declaring a conviction

3.1 The process to assess study options for applicants and students who have declared an unspent released from prison, youth offender institutions or a secure hospital.

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3.2 Students are required to declare any unspent criminal convictions and/or legal restrictions through the registration process as covered in the Conditions of Registration.

3.3 Following registration on a module, if a student's situation changes because of new or modified legal restrictions, they must inform the University by contacting the appropriate team listed in Further Clarification. The appropriate team will ask for more information and will advise on the impact for current and future studies. This change and its implications can only be discussed with the student or relevant criminal justice agency or equivalent, depending on the student's location.

3.4 An applicant can seek advice before registration about how an unspent criminal conviction and/or legal restrictions may affect study choices by contacting the relevant team (see Further Clarification).

3.5 The disclosure of any legal restriction will not necessarily result in automatic exclusion or the cancellation of a registration, provided further information is received within 20 working days. The exception are registrations on modules with short study periods, specifically microcredentials or short courses where the registration will be cancelled to enable the disclosure and risk assessment process to take place ahead of any study. A risk-based approach is taken to determine whether to apply specific restrictions, such as study choice or non-participation, in learning activities.

3.5.1 If an applicant or student for undergraduate or postgraduate study does not respond to requests for further information about the legal restrictions within 20 working days of registration, their module registration will be cancelled.

3.5.2 If a registration is cancelled, it does not prevent a student from registering for study in the future.

3.6 Relevant convictions are defined as:

- Offences listed in the Sexual Offences Act 2003 (in the United Kingdom or equivalent Act for outside of the United Kingdom)
- Any violence including (but not limited to) threatening behaviour, offences concerning the intention to harm, or offences which resulted in actual bodily harm
- Offences listed in the Terrorism Act 2006 (in the United Kingdom; or equivalent Act for outside of the United Kingdom)

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- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking
- Offences involving firearms, weapons, crossbows and knives
- Offences involving arson
- Fraud
- Offences of human trafficking, slavery and forced labour

The Your Conviction tool on The UK Government website. The UK can be used to check the status of any offence. Advice is also available from the charities National Association for the Care and Rehabilitation of Offenders (UK) (NACRO) https://www.nacro.org.uk/ or UNLOCK http://www.unlock.org.uk/.

3.7 There is no requirement to disclose:

- Fixed penalty offences such as minor speeding offences.
- Any spent conviction or any associated order.

3.8 When a conviction becomes spent, and a student no longer has any legal restrictions, licences or orders, the appropriate team listed in Further Clarification can advise on the process required to update the student record. The team can also offer advice on the implications for study and put appropriate support in place.

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4. Curriculum options and study adaptation

4.1 The Open University, with the justice organisations, assess courses that will be made available to students in secure environments against a list of criteria. The modules available will depend on whether the student is studying at undergraduate, postgraduate or research level.

4.2 Undergraduate study:

A subset of undergraduate qualifications and modules have been assessed as appropriate for study by students who have been convicted of an offence. The available modules and qualifications listed in the current academic year are published in a specific prospectus. The assessment includes consideration of:

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4.2.1 Module content: Inappropriate module content includes reference to or materials about, for example:

- Sex offences
- Violence
- Children
- Chemicals
- Smuggling/Trafficking
- Terrorism
- Fraud (financial/legal/international)
- Computing/cybersecurity/internet related
- Drug or alcohol misuse
- Counterfeit/forgery
- Religion/Racial discrimination
- Psychological offences

4.2.2 Courses (qualifications and modules) will not be available if it is not possible to adapt the study materials and assessment to achieve the learning outcomes because, for example, they involve research, collaborative activities, or the use of digital technologies.

4.3 In line with our Conditions of Registration, the curriculum is reviewed yearly to ensure it includes new modules and qualifications and remove any modules or qualifications which have been withdrawn or can no longer be delivered in a secure environment.

4.4: Postgraduate study:

The suitability of postgraduate qualifications and modules programmes is assessed on a request basis in partnership with the Faculty and the Student in Secure Environment Team. The assessment is based on the same criteria as undergraduate study and can take over twelve weeks to complete. Students need to contact the appropriate team listed in Further Clarification to discuss their interest in a Master's programme in time to enable the assessment to take place before the final enrolment date.

4.5 Postgraduate Research (PGR) applicants:

The Graduate School Director, in consultation with the appropriate faculty and the Students in Secure Environment Team, will then consider applications on an individual basis by taking into account the proposed methodology and the outcome of the risk assessment process,

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in addition to the standard application criteria which can be found in the Conditions of Registration for Postgraduate Research Students. There may be some instances where the proposed research or research methods cannot be adapted, and the application will be rejected. It is advisable to seek advice from the appropriate team listed in Further Clarification before applying.

4.6 There are no approved modules for short non-credit bearing courses, Microcredentials or the apprenticeship programme.

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5. Study provision following a declaration of a legal restriction

5.1 The disclosure and risk assessment process is described in the Procedure for supporting students subject to legal license, restriction, condition or orders.. The outcome of the risk assessment following a disclosure of a legal restriction will determine both the student study choices and the mode of study for the students.

5.2 For students studying undergraduate and postgraduate modules (taught courses), Appendix 1 summarises the likely modes of study following a risk assessment including how curriculum choice and online study may be restricted. Postgraduate Research students may also have some restrictions applied to online services based on the risk assessment, and this will be discussed on an individual basis. It is not possible to study a microcredential or short course if the risk assessment outcome is that online restrictions are required because they are designed for online learning only.

5.3 Access to services can vary, as described in Appendix 1. Students with restrictions on their study for undergraduate and postgraduate study (scenarios one and two in Appendix 1) are primarily supported by the specialist support team (detailed in Further Clarification). These teams can arrange support via email or telephone from other Open University specialist support teams, for example, our Careers and Employability Services team, Disabled Student Support or our Mental Health Team. Community or support events and forums will not be available to students either online or face-to-face. Permission to attend a graduation ceremony will depend on the student's risk assessment. The details of the adapted arrangements are in Appendix 2 .

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5.4 Students whose risk assessment does not require online restrictions as described in scenarios three or four in Appendix 1 will be supported by the appropriate Student Support Team. The student will be asked to confirm there have been no changes to their legal restrictions following each module registration.

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6. Requests from third parties for information about students.

6.1 From time to time, the University is asked to provide information about students primarily to police or related external organisations (e.g. a social services team) or other justice organisations. Information is only released through formal requests processed by our Information Rights team.

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7. Reporting of convictions from a third party

7.1 If a third party knows that a student may have an unspent conviction and/or legal restrictions, they are advised to report it through our safeguarding reporting under the Safeguarding Policy provisions or our Report + Support tool. The aim is to ensure the safety of our community and respect individuals' situations. The report will be investigated using the safeguarding policy and, if necessary, the Code of Practice for Student Discipline.

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8. Providing data to justice organisations

8.1 How information is provided is detailed in Appendix 1 of Conditions of Registration and in the Student Privacy notice.

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9. Students who declare an unspent criminal conviction and/or legal restrictions during study

9.1 If a student declares a legal restriction whilst studying a module, the declaration and implications for study will be individually assessed. Students must disclose by contacting the appropriate team listed in Further Clarification. Students will receive contact from the University, as detailed in the declaration of a legal restriction risk assessment process document. If students do not hear back from us, they are encouraged to get in touch as described in the Further Clarification section to check their declaration has been received.

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9.2 If a student does not declare a legal restriction at registration or immediately after it becomes relevant, the student will be asked to explain the delay in writing. A Disciplinary Authority Decision Group will then consider the case, and, if appropriate, the student will be referred for student disciplinary action, as explained in the Code of Practice for Student Discipline.

9.3 If the student is registered on a undergraduate or postgraduate course and fails to meet the deadlines to provide the self-declaration form (up to twenty working days), their registration will be cancelled from the date they last engaged with the module. The implications for fee liability are explained in the Fee Rules. While the risk assessment process is undertaken, the student will be temporarily restricted online (as described in scenario two in Appendix 1). The student will also receive advice about the potential impact on their study, as the restricted online access also means the student will no longer have full access to the module and no access to an Open University email address, Microsoft 365, including OneDrive, as explained in Appendix 2.

9.4 If the student is studying an undergraduate or postgraduate qualification or module which is not on the approved curriculum and the risk assessment confirms online restrictions are needed, then continuing to study the current module(s) will not be possible. The student will be deregistered from the current module(s) using the last module engagement date. The implications for fee liability are explained in the Fee Rules. For research students, an assessment will be made in consultation with the Graduate School and supervisor to establish options, including whether the research can continue.

9.5 If a postgraduate research student does not response to requests for further information their registration is at risk of not being completed or study not progressing especially as not responding will delay the risk assessment.

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10. Transitions from prisons or secure hospitals

10.1 When students are due for release from prison or a secure hospital the Nominated Contacts are asked to provide students with the Guide for students leaving prison. These students are required to contact the Student Registration team by phone: + 44 (0) 0300 303 6789 or by email: SR-SiSE@open.ac.uk as soon as possible to provide us with the following information:

- Name of the probation officer and the probation service

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- Probation Officer's telephone number and email address
- New address, telephone number and email

10.2 The University recognises that this change can be challenging and can provide advice on study options, including deferring study if needed. The Open University's Career and Employability Service can also provide advice. The University also needs to follow the disclosure and risk assessment process described above to determine the appropriate mode of study for any current or future studies.

10.3 The student can also ask for support on how study may differ, for example, how to submit assignments, how to contact their tutor, how tutorial support will be provided, address any on-module concerns, arrange extensions, and discuss future study choices.

11. Prevent statutory duty

The Open University has a statutory duty regarding the need to prevent people from being drawn into terrorism. If there is reason to believe that a member of staff or student may be at risk of being drawn into terrorism, any action taken under this policy will be taken in consultation with The Open University Prevent Co-ordinator.

Commitment to Equality, Diversity and Inclusion at The Open University

Policies are inclusive of all Open University Students, Learners, Enquirers and Alumni, regardless of age, civil status, dependency or caring status, care experience, disability, family status, gender, gender identity, gender reassignment, marital status, marriage and civil partnerships, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, socio-economic background, sex, sexual orientation or trades union membership status.

Safe Space Reporting

The Open University is committed to creating a diverse and inclusive environment where everyone feels safe and is treated with dignity and respect. Unlawful discrimination of any kind across The Open University is not tolerated.

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Staff, students, learners and visitors are encouraged to report incidents of assault, bullying, harassment, hate crime, or sexual harassment through the Safe Space online reporting tool. The tool also provides information about how to find support.

Glossary

Assessment

This includes all assessments detailed in the assessment guide for each module and can consist of tutor-marked assignments, examinations, multiple-choice questions, reports and projects.

Correspondence Tuition

This is the personal learning support given by tutors, in writing, concerning their students' work on tutor-marked assignments.

Disciplinary Authority Decision Group

This group meets to assess cases where a student has not declared a legal restriction as soon as it became relevant to do so.

Final Enrolment Date

The last date a reservation can be made for a module in a specific presentation period.

Legal restriction/s

This refers to any unspent legal restrictions, conditions, orders or arrangements related to criminal convictions which are imposed by a court or by an authorised body.

Module

A self-contained teaching, learning and assessment unit that may be studied as a standalone course or combined to form qualifications. Each module other than a short course is assigned a credit value and a level of study.

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Nominated Contact/s

These are the named individuals in each secure environment that The Open University communicates with regarding registration, on-study support, and arrangements for exams and tutorials. Typically, they are staff who work in the Education unit/team/centre on behalf of the secure environment.

Postgraduate Student

A Student who is registered for a module that is designated as a postgraduate module.

Postgraduate research applicants

A person who has applied to undertake postgraduate research with the open university and has not yet been accepted.

Postgraduate Research (PGR) student

A student who is studying for a higher degree by research.

Registered Qualification:

A qualification that a student has formally registered to study and enrolled on modules for and are counting credit towards**.**

Registration/ Registration Agreement

The process by which students become a Student of the University.

Related Documentation

Refer to the following documentation in conjunction with this document:

Advocacy: Guidelines and Procedure

Careers and Employability Service

Code of Practice for Student Discipline

Complaints and Appeals Procedure

Conditions of Registration

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Conditions of Registration for Postgraduate Research Students

Conditions of Registration for Apprentices

Conditions of Registration (Microcredentials)

Fee Rules (Postgraduate and Undergraduate study)

The Open University Prevent Principles

Safeguarding policy

SCONUL Access Policy

Social Media Policy

Student Privacy Notice

Other sources

UK Government advice about unspent convictions is available at: https://www.gov.uk/tell-employer-or-college-about-criminal-record.

Further clarification

If you have any queries about this document's content and how to interpret it, please contact the appropriate Students in Secure Environments Team listed below by email, telephone or post. To check the latest postal address and other contact details or if you want to learn more about our most up-to-date response times for receiving and sending postal correspondence to The Open University, please see OU Offices: https://help.open.ac.uk/ou-offices. The University has a dedicated website to support the work with students in secure environments. For Disclosures and risk assessments:

The Open University,
PO Box 197,
Milton Keynes,
MK7 6BJ
Email for disclosures SISE-Disclosures@open.ac.uk
Email for risk assessment (stage three) Student-Risk-Checks@open.ac.uk

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Phone +44 (0)300 303 5303

Website: https://www.open.ac.uk/secure-environments/

For study support

England

The Open University,

PO Box 197,

Milton Keynes,

MK7 6BJ

Email SISE-General@open.ac.uk

Phone +44 (0)300 303 5303

Website: https://www.open.ac.uk/secure-environments/

Wales

If you are a resident in Wales, you can speak to a student support advisor in Welsh or English.

The Open University

18 Custom House Street,

Cardiff,

CF10 1AP

Email: Wales-SiSE@open.ac.uk

Phone +44 (0)29 2047 1170

I siaradwyr Cymraeg

Os rydych yn siarad Cymraeg a fyddai'n well gennych trafod eich anghenion drwy gyfrwng y Gymraeg, cysylltwch â'r Brifysgol Agored yng Nghymru yng Nghaerdydd os gwelwch yn dda ffôn +44 (0)29 2047 1170 neu ebost Wales-SiSE@open.ac.uk.

Scotland

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10 Drumsheugh Gardens,

Edinburgh

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Northern Ireland and the Republic of Ireland

The Open University

110 Victoria Street,

Belfast Northern,

Ireland BT1 3GN,

Email Northern-Ireland@open.ac.uk

Phone +44 (0)28 9032 3718

Feedback

Please send feedback about this policy document and how it might be improved, please submit these to Student-policy-compliance@open.ac.uk.

Summary of significant changes since the last version

September 2026 update: Appendices 1 and 2 updated to clarify arrangements for accessing materials and assessment information.

Policies superseded by this document

This document does not replace any previous policy but supersedes the Students in Secure Environments Disclosure Framework.

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Appendix 1: Scenarios of modes of study following a risk assessment

Scenario one – online access is not permitted

In this scenario, students are restricted from accessing online study resources, as their legal restrictions do not permit online access. Consequently, students can only select study from the approved curriculum described in section four. For undergraduate and postgraduate modules, students will receive a printed pack comprising of all the necessary study materials needed to study the module.

Module assessments involving collaborative activities will be adjusted to accommodate the offline study mode. Communication regarding our services, including any changes to policies or curriculum, will be communicated directly to the students via postal mail. However, students will not receive marketing communications or be invited to contribute to research and student feedback.

Participation in online or face-to-face events, such as tutorials, is not permitted. However, students can discuss the possibility of arranging one-to-one telephone sessions with a tutor by contacting the appropriate team (listed in Further Clarification). Detailed information on how services have been adapted to take account of the online restriction can be found in Appendix 2: Adaptations for Study Support and Services.

Scenario two – restricted online access

In this scenario, students have restricted online access due to the necessity of limiting access to collaborative activities and events. Students will need to study from the approved curriculum, with the possibility of further curriculum restrictions if recommended by the probation service during the disclosure and risk assessment process.

Restricted online access grants students' permission to access their module website but not tutorials, forums or other digital tools and services. In cases where module assessments typically involve online or collaborative activities, suitable alternatives will be provided through the module website.

Similar to Scenario one, communications regarding our services, including policy or curriculum updates, will be communicated directly to the students through postal mail. Students will not be permitted to attend online or face-to-face events, including tutorials, but they may request one-to-one sessions with a tutor by contacting the appropriate team listed

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in Further Clarification. Students in this scenario will not receive marketing communications or be invited to contribute to research and student feedback initiatives.

In Appendix 2: Adaptations for Study Support and Services, a detailed guide outlines how services have been adapted to take account of the lack of online access.

Scenario three – full online access

In this scenario, students permitted full online access can choose to study from the entire curriculum options. The students can participate in both online and face-to-face events. However, it is important for the students to adhere to any geographical restrictions specified within their licensed or legal conditions. Student must also seek advice from the appropriate team (see Further Clarification) before registering for a module with a residential school component to avoid inadvertently breaking their licence or legal conditions.

Communications concerns various services, including qualification or module arrangements changes, will be emailed to the student. Students can select marketing and research contact preferences within their profile on StudentHome.

Scenario four – convictions and any related order become spent

In this scenario, when a student's convictions and any associated orders become spent, they should request a risk assessment. If the restrictions are lifted as a result of the assessment, the student will be granted full online access and can choose courses from the whole university curriculum. Additionally, they will be able to participate in both online and face-to-face events, including tutorials. Communications about our services will be emailed, including qualification or module arrangements changes. Students can select marketing and research contact preferences within their profile on StudentHome.

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Appendix 2: Adaptations for study support and services

Students with restricted online access (scenarios one and two) do not have access to information and online tools which support collaborative and community access. However, there are adaptations available, including:

Service	Adaptation
An OU email account and access to Office 365.	LibreOffice is an example of a free alternative to Microsoft 365. To access student discounts without an OU email address, students can contact Student-Risk-Checks@open.ac.uk to enquire about Totum (National Student Union Discount platform) vouchers.
Library research databases	Students should not often require access to library databases because the print packs contain all the materials needed. However, The OU Students Association offers a library study partner scheme when research is required. Email SiSE-General@open.ac.uk to request research support for modules. Library access for postgraduate research students is permitted on a case-by-case basis.
Access to forums and publishing tools like blogs and Wikis	No alternative is required as course materials using these tools will have been adapted in the printed packs for students who are not permitted online access, or made available on the module website for students with online access.
Student portal called Student Home, which includes study record, choosing modules, personal profile (contact details) and	Contact the appropriate team, listed under Further Clarification, and they can provide: 1. A copy of a student's academic summary. 2. Advice on study planning and choosing modules. 3. Updates to personal information e.g. addresses, emails. For students with online access, our website provides information on how to submit assignments. For students who are not permitted

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assessment submission	online access, this information is provided in the printed pack, but the team can provide additional help if needed.
Help Centre	Students with limited or full online access should be able to access the Help Centre. There is also limited access, requiring no login to access student policies. The appropriate team listed under Further Clarification can support all study-related issues, including notifying special circumstances or requesting a postponement. Careers and Employability Services can mainly be accessed without needing to sign in and requesting a career consultation via the appropriate contacts listed in Further Clarification is possible.

Note: Postgraduate research students may experience other restrictions, but this will be discussed during the risk assessment.

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