

Procedure for supporting students subject to legal licence, restriction, condition or orders

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Alternative format for this procedure

If an alternative format is required, please contact the appropriate team listed under further considerations in the accompanying policy or phone +44 (0)300 303 5303.

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

Procedure for legal restriction risk assessment

This procedure should be read in conjunction with the Policy for Supporting Students Subject to Legal Licence, Restrictions, Conditions or Orders and the [Conditions of Registration](#) for the study being undertaken. This document explains the procedure for declaring an unspent legal restriction and the risk assessment process the University undertakes.

1. Procedure for assessing a declaration

1.1 The procedure for the disclosure and risk assessment process has three stages. The purpose is to establish whether a student has licence conditions that could impact their study. The complete process can take at least ten weeks to complete. Therefore, students registering for undergraduate and postgraduate modules and qualifications are advised to complete the registration for a module no later than **ten weeks** before the Final Enrolment Date of the module they wish to study. The student may be withdrawn and need to register for the next presentation date of the module to begin their study if the following applies:

If a student registers closer than ten weeks before the Final Enrolment Date, and:

- the case has to go to the risk assessment panel, or
- the student fails to respond to requests for further information within 20 days of registering, or
- the students want to study a module or qualification which is not already approved.

1.2 Postgraduate research students must declare any unspent convictions, licence or legal restrictions immediately upon receiving an offer letter so the risk assessment can be completed before the proposed start date.

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1.3 Students registering for Open University modules which have short study periods, specifically microcredential or short courses will have their registration cancelled until the risk assessment is complete because of the time the risk assessment takes.

Stage One: Initial declaration

1.3 Students must confirm whether they have unspent legal restrictions when registering (or reserving) onto a module. If the student has an unspent conviction, they will be contacted for more information (see stage two below).

1.4 If a student declared unspent legal restrictions in error, the University requires a formal written confirmation to update the student's information. The student can email sise-disclosures@open.ac.uk with the phrase 'I confirm I have declared in error' or complete the form sent to them. If the confirmation is received within 5 working days of registration, there will be no disruption to the student's study plans unless the student is registered for a short course or microcredential module.

Stage Two: Gathering further information.

1.5 The student will receive an email with a self-declaration form. The self-declaration form must be completed and returned within ten working days. For students living in Wales, the self-declaration form will be available in Welsh and English, and students may complete the form in Welsh. A form completed in Welsh will be treated no less favourably than a form completed in English.

1.6 The information on the self-declaration disclosure form determines whether a risk assessment (stage three) is required. The self-declaration form includes confirmation of the applicant or student's reporting or monitoring arrangements by any agency, e.g. Probation Officer, Police Officer, Social Worker (Scotland) or Offender Manager. Students also need to confirm if they are restricted from associating with children or using the Internet. They will also be asked to detail what licence conditions/order they are subjected to with start and end dates.

1.7 This form allows the University to contact the probation service (or equivalent) to request the completion of a risk assessment form. The completed risk assessment form is shared with the student. The probation service (or equivalent) information forms the basis for the decisions made in stage three.

Pending the receipt of the risk assessment and completion of stage three, the student will

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have temporary online restrictions applied (as described in the policy for supporting students subject to legal licence, restrictions, conditions, or orders). Stage three will be based on the self-declaration form if the probation service or equivalent declines to complete the risk assessment.

1.8 A student who has previously declared legal restrictions can update their information on the self-declaration form during registration or at any point their legal restrictions become spent or changed. If there are no changes, the current mode of study will roll forward for the new registration. However, if a period of longer than two academic years has elapsed since the University received an update from the probation service (or equivalent), the University may repeat the risk assessment process.

Stage Three: Risk assessment

1.9 The risk assessment form completed by the probation officer (or equivalent) is reviewed by a panel. The panel consists of three trained staff members with experience supporting students with unspent criminal convictions and/or legal restrictions. The Director of Student Support is responsible for approving the lifting of restrictions. Students whose licence restricts contact with people under the age of 18, those who are on the sex offenders' register, those who are subject to a sexual harm prevention order, or those who are classed as high risk to any group of people, will always have restricted online access and will need to select their modules from the approved curriculum.

2. Non-compliance and failure to disclose a relevant unspent conviction

2.1 If an applicant or student on a undergraduate or postgraduate qualification or module declares an unspent conviction and/or legal restrictions but fails to respond to requests by the University for additional information within ten working days, they will be restricted online. The applicants or students receive an additional ten working days to contact the University to provide more information before their registration is cancelled. The online restriction will remain until the University is provided with more details. In line with our [Conditions of Registration](#), any cancellation does not prevent the student from requesting to re-register for further study, subject to providing the required information outlined above.

2.2 Postgraduate research students who do not respond to further information will not be able to complete registration in time.

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2.3 Students Registering for an Open University microcredential will have their registration cancelled whilst the risk assessment takes place. If the decision is to apply study restrictions, then it is not possible to study a microcredential or short course, however it is possible to study from the approved curriculum.

3. Methods of appeal

3.1 To appeal, at the formal stage, a student must present new information or further evidence for the panel to consider. The student can then request that the panel consider another risk assessment.

If a student's situation changes, for example, licenced conditions are lifted, they can request a new risk assessment by contacting the appropriate team listed in further clarification in the accompanying policy. If the student remains dissatisfied they can request a Review (stage 3) as detailed in the university's [Student Complaints and Appeals Procedure](#).

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