Boxed Out:
Higher Education, Criminal Convictions, and Perceptions of Risk

Disclaimer

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The views, findings, and conclusions expressed in the main body of the report are those of the author and do not necessarily reflect the views of IPRT. While IPRT has provided guidance and feedback at various stages of drafting, neither IPRT nor its staff authored any of the content in the report. The recommendations, however, were shaped in partnership between the author and IPRT.

While the author and IPRT have made efforts to ensure that the information contained herein was correct at the time of publication, neither the author nor IPRT assume any liability for any damage or disruption caused by errors or omissions, whether such errors or omissions result from negligence, accident, or any other cause.

This report is presented in good faith to inform and stimulate wider debate and reform on this topic.

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Exective Summary

Education is a protective factor in supporting desistance from crime. This research provides the evidence base to identify barriers, supports, and opportunities in the HE Sector for PWCs. Intersectional barriers persist and, within HEIs, there are problematic patterns of risk-based barriers for PWCs which correlate with persistent stigmatisation and isolation for students with convictions.

The report is based on a small-scale project presents evidence that some excellent practices are in place across multiple Higher Education Institutions (HEIs) with staff going to great lengths to support students with experience of the criminal justice system. Perceptions of risk are a persistent and impactful feature of policies and practices regarding PWCs. The role of risk in assessing safety and respect across campuses often operates in a relative evidentiary vacuum and extends beyond the state-mandated vetting process, Garda Vetting.

The findings present an analysis of the conceptualisations of risk and disclosure, and their practical outcomes, before elaborating on key issues for PWCs and HEI staff regarding admissions policies and practices including HEI policies for PWCs, GDPR/privacy and Garda Vetting. The lived experience of judgement/stigmatisation, isolation/belonging, social class, the 'chilling effect', and narrowing opportunities for PWCs are discussed before identifying existing supports, and promising practices.

Offering "credible guidance" (HEI Survey Respondent), the recommendations present feasible steps to achieve effective progress by harnessing and systematising existing or novel inclusive policies and practices.

The report presents 10 recommendations based on the key findings listed below.

- Perceptions of risk without an evidence base underpinned some HEI staff concerns regarding PWCs including safeguarding, liability, reputational damage, and reoffending while other staff, often familiar with marginalised communities, were less guided by the risk-paradigm.

- Many HEIs do not ask students to disclose during the application process but often PWCs were not actively considered and resulting policies, or lack thereof, were ill-equipped to engage and support students with conviction(s) in dealing with intersectional challenges.

- Garda Vetting continues to cause confusion for HEI staff and PWCs while being distressing for PWCs and generating inconsistent outcomes for students with convictions with placements being a key issue.

- Persistent barriers to Higher Education for PWCs include stigma, isolation and a diminished sense of belonging, lack of transparency in admissions processes, demands on resilie   motivation and desistance, and narrowing programme opportunities.

Recommendations (Concise)

HEI policies and practices must always be evidence-based.

1. HEIs should adopt the Principles for Fair Admissions (available in Appendix 2)
2. Adopt progressive policy (template available in Appendix 1)
3. Seek disclosures of conviction only when necessary and relevant
4. Training for staff on EDI to include PWC
5. Comply with GDPR and Privacy Law
6. HEIs should adopt inclusive admissions practices beyond written applications
7. HEIs should promote inclusive admissions of PWCs and audit existing communications to reflect clear messaging welcoming PWC
8. Roll out the Kickstart Scholarship nationwide
9. Develop peer-led approaches to support PWCs
10. Develop data gathering practices to measure educational pathways, progress and attainment among PWCs

1. Introduction

Higher Education (HE) offers opportunities for learning, broadening minds, and personal growth. Higher Education Institutions (HEIs) welcome tens of thousands of people yearly from diverse backgrounds, identities, and circumstances. The National Access Plan 2022-2028 identifies "Students who have experience of the criminal justice system" under the first of three 'priority groups' (National Access Plan, 2022: 52). HEI's Strategic Plans aim to broaden access to higher education and increase the diversity of the student and staff bodies. While many policies and practices are designed to achieve these admirable aims, when it comes to the marginalised group of people with conviction(s) (PWCs), some policies, or lack thereof, and practices continue to deter prospective applicants while perpetuating anxieties, stigmatisation, and isolation among admitted students.

Education is a protective factor in supporting desistance from crime. Desistance is defined as "the long-term absence of criminal behaviour among those who previously had engaged in a pattern of criminality" and essentially rests upon the idea that people can change (Maruna, 2017: 5). Education is a profound motivator and enabler of desistance in addition to other factors including employment (see Garrihy and Bracken-Roche, 2024a, 2024b). However, while perceptions of risk remain prominent and impactful when it comes to PWCs, they are opaque. The role of risk in assessing safety and respect across campuses often operates in a relative evidentiary vacuum and extends beyond the state-mandated vetting process, Garda Vetting; this is in place for programmes that involve training or placements in settings where the student will deal with children or vulnerable adults as a significant part of their role.

This report commences by setting out the Irish and international context in the literature, practice, and recent developments in this space before briefly outlining the research methods employed for the study. The findings begin with an analysis of the conceptualisations of risk and disclosure, and their practical outcomes, before elaborating on key issues for PWCs and HEI staff regarding admissions policies and practices including HEI policies for PWCs, GDPR/privacy and Garda Vetting. The lived experience of judgement/stigmatisation, isolation/belonging, social class, the 'chilling effect', and narrowing opportunities for PWCs is discussed before identifying existing supports, and promising practices. The evidence base generated by this report will underpin the feasible and achievable recommendations presented briefly above but elaborated in the final section.

The barriers that persist for applicants and current students are profound and widespread. As one Survey Respondent expressed, "A criminal sentence can be a life sentence in terms of barriers". This research report is designed as a concise yet compelling account of the barriers to accessing (higher) education for PWCs with further in-depth analysis presented in forthcoming academic publications.

The authors are available to engage with stakeholders to bring the findings to bear in this space while supporting the first step through to the final steps in developing inclusive admissions policies and practices for PWCs. We advocate for HEIs and PWCs to be led by the evidence including PWC Participant 9's advice to this cohort of students:

> **You're a lot more than a conviction that you picked up 20 years ago. You're a mother. You're a father, you're a sister. You're a worker, you're a student, […] You're part of this team…Focus on that.**

2. Literature Review

2.1 Educational Attainment & Convictions

There is a solid body of international research that highlights the negative effect of education on rates of arrest, conviction, and incarceration. We highlight some of these studies here as pro-social systems that prevent individuals from engaging in criminality in the first instance should be a priority. Research in the UK has shown that increased educational attainment is associated with reductions in conviction rates for most offences (burglary, theft, criminal damage, and drug-related offences) but not for violent crime (Sabates, 2008). Reductions in poverty are associated with decreasing conviction rates for violent crime, criminal damage, and drug-related offences (Sabates, 2008). In Finland, Savolainen et al. (2011) found that poor academic performance and reduced school attachment in mid-adolescence increase the risk of criminal conviction independently of pre-existing differences in antisocial propensity. Savolainen et al.'s (2011) research also suggests that academic performance and school attachment mediate the effects of childhood antisociality and learning difficulties on late-adolescent risk of a criminal conviction. In Sweden, researchers found that one additional year of schooling decreases the likelihood of conviction by 6.7% and incarceration by 15.5% (Hjalmarsson, Holmlund, & Lindquist, 2015). In the US, attaining a degree is estimated to reduce arrest rates by at most 32.6% (Amin et al., 2016). Also in the US in 2019, only 6% of people in prison held a bachelor's degree compared to 37% of people in the community (Wilson, Alamuddin, and Cooper 2019). In Ireland, it has been repeatedly identified that over 70% of those in custody left school at a young age (O'Mahony, 1997; IPRT, 2018; O'Brien, 2018; Houses of the Oireachtas, 2022), with many reporting negative experiences of education in childhood due to their social background. Most of those in prison have never sat a state exam (O'Mahony, 1997; IPRT, 2018), while figures that over 80% finished school without a Leaving Certificate. In Ireland in 2022, over half (53%) of 25-64 year olds in 2022 have a third level education (CSO, 2022) while in 2015-2017, only 9% of people in prison had completed some form of higher education (Certificate through doctorate) (IPRT, 2018). Particularly, Meaney (2019) identified that participants in Irish prisons spoke of how it seemed pre-determined from the outset that progression in education was something for 'others' and not them.

The link between school failure and life-course failure is well-established in the research literature. The risk for outcomes such as poverty, social exclusion, and ill-health but also for crime and delinquency is dramatically higher among youth who exit education before having reached an upper secondary/high school diploma. Sweeten, Bushway, and Paternoster (2009) reported that in the US, individuals who do not finish high school are 70% more likely to be unemployed, their average annual income is substantively lower, their health is worse, and they commit more crime compared to high school graduates. These observations are, in all important respects, repeated in Europe (Eurofound, 2012). For example, in Sweden people who leave before completing high school are much less likely to be able to support themselves from market income, they have a mortality risk three times that of graduates, and are five times as likely to have been sentenced to prison by the age of 30 (Bäckman and Nilsson, 2013). Crime and delinquency are known to increase the risk of school dropout, which in turn may promote further delinquent behaviour (Bäckman, 2017).

2.2 The Role of Education in Desistance

Education plays a crucial role in promoting desistance from crime, as highlighted by numerous studies indicating that participation in postsecondary educational programmes within correctional facilities significantly enhances the prospects of successful reintegration into society. For instance, research shows that individuals who complete such programmes while incarcerated tend to have higher employment rates and lower recidivism rates on release (Batiuk et al., 2005; Chappell, 2004). Even those who participate in HE-level courses but do not complete them experience lower recidivism compared to those who do not engage in educational pursuits at all (Chappell, 2004). The impact is particularly pronounced for those who achieve educational milestones, such as earning a general equivalency degree (GED), which dramatically reduces the likelihood of reoffending (Zgoba, Haugebrook, & Jenkins, 2008). A Norwegian study (Skardhamar, & Telle, 2012) showed that individuals who engaged in education and training programmes on release had 41% and 47% less chance of recidivism, while higher levels of educational attainment result in ever lower chances for recidivism. Davis et al. (2013) estimated that, on average, those in prison who participated in education programmes during their sentence had rates of reoffending which were 43% lower than prisoners who did not participate in education. Hughes (2021) talks about education's transformative potential for people in prison and formerly incarcerated people, but this can apply to anyone, and indeed anyone with a conviction. She argues "Desistance from crime, when an individual ceases to offend, is a process, which takes time and effort on the part of the individual, and involves multiple life processes, one of which can be education and learning" (Hughes, 2021: 21).

Furthermore, research suggests that prison-based educational programmes are more effective at reducing recidivism than vocational training initiatives alone (Wilson, Gallagher, & MacKenzie, 2000). Advocates of postsecondary correctional education cite a plethora of studies demonstrating that such educational opportunities not only improve employability but also boost self-esteem and encourage personal development, all of which are essential components in the journey toward desistance (Ayers et al., 1980; Enocksson, 1981; Holloway and Moke, 1986; Knepper, 1990; Harer, 1995; Batiuk et al., 1997; Duguid, 1997; Wilson et al., 2000). Notably, the completion of a college education has been shown to have a substantially more positive effect on reducing recidivism hazard rates than other educational forms, such as high school or vocational training (Hall 2015; Livingston Runell 2015).Costello and Warner (2014: 174-178) identify approaches to prison-based education that recognise "the whole person" while cautioning against curtailments to prison education including concentrating on "criminogenic factors", perceptions of provision to 'the undeserving', and over-emphasis on employability and measurement.

While the current discourse on desistance often focuses on social factors like marriage, employment, and parenthood (Kerr et al., 2011; Laub & Sampson, 2003), the critical role of education in facilitating the transition away from criminal behaviour has been relatively underexplored. Research indicates that educational attainment is primarily viewed through the lens of crime prevention, stressing the importance of keeping at-risk youth engaged in school to diminish future delinquency and incarceration (Hansen, 2003; Lochner, 2004; Machin, Marie, & Vujic, 2011).

However, many individuals inevitably drop out of school before completing their education (McFarland et al., 2018), a factor that can increase their risk of future criminal activity (Sweeten, Bushway, & Paternoster, 2009). While there is limited research in Ireland exemplifying a link between the role of education in prison and recidivism rates, recent literature has identified that those in prison had a positive experience engaging in prison education (Meaney, 2019; Gagliardi & Rice, 2023; Inside-Out Exchange Programme, 2024).

The potential for educational re-engagement, including returning to school and obtaining degrees, is a topic that deserves closer examination in the context of desistance research. Desistance is indeed a complex process, influenced by various individual and societal factors, and educational opportunities can play a significant and transformative role in facilitating this journey. Investing in educational programmes for PWCs may enhance their capacity to break free from the cycle of crime and foster lasting change in their lives (Abeling-Judge, 2019), including personal development benefits for the individual and their identity (Hughes, 2021).

2.3 Risk, Stigma and Negative Experiences in Accessing Education

There is a significant amount of research in various jurisdictions which examines risk, stigma and negative experiences associated with PWCs accessing employment (Vuolo et al., 2017; Sugie et al., 2020; Corda, 2023; Collett, 2024). Nevertheless, research which critically examines these challenges in relation to education access is limited, with most associated research emanating from the US (Pierce et al., 2014); Hughes et al., 2014; Custer, 2018).

This existing research repeatedly reports that HEIs continue to deny admission to PWCs (Sokoloff & Fontaine, 2013; Pierce et al., 2014; Custer, 2016). In the US, criminal conviction questions are justified by citing concerns relating to reducing violence, and criminality and ensuring the safety of the university (Pierce et al., 2014; Lantigua-Williams, 2016; Custer, 2018). There tends to be increased concern surrounding serious crimes such as violent offences (Pierce et al., 2014), sexual offences (McTier et al., 2020) or offences committed against children (Sokoloff and Fontaine, 2013). Pierce et al. (2014) highlighted that 54% of universities in their study reported that they would probably or not admit an applicant who had been arrested for rape or sexual assault, and 52% expressed similar sentiments relating to physical assault. In a UK context, Brooks (2023) identified that UK university policies' justification for criminal conviction questions centre around terminology such as risk management, safeguarding, and safety and care concerns. Additional reasons include protection against liability (Pierce et al., 2014; Brooks, 2023). Relatedly, language used by HEIs has been identified as a barrier, or indeed a deterrent for PWCs in various ways. Firstly, in Ireland, Meaney (2019) found that language and literacy limitations of those in Irish prisons presented as a power imbalance, deterring them from progressing through education. Conversely, Brooks (2023) outlines how university policies can contribute to a chilling effect due to deterring and stigmatisation language such as 'ex-offenders', 'risk assessments'.

Nevertheless, there is a lack of research which identifies that criminal history questions on college applications are effective in reducing criminal activity on college campuses (Olszweska, 2007; Runyan et al., 2013; Hughes et al., 2014; Brooks, 2023). Weissman et al. (2010) found that for the 38% of US universities included in the study that did not collect criminal justice information, their campuses are not reported as less safe as a result.

Hughes et al. (2014) looked at background checks for HEI staff and concluded that, for fourteen universities, there was no indication that requiring PWCs to disclose their criminal records reduced campus crime rates.

2.4 Bridging Programmes in Ireland

In Ireland, Education and Training Boards (ETBs) play a crucial role in delivering and supporting the delivery of education and training across secondary schools, further education colleges and training centres, multi-faith primary schools, and adult education centres. They deliver a growing number of apprenticeships and traineeships across the State, and oversee the delivery of the education of individuals with convictions, in and out of prison. ETBs provide a variety of educational programmes for individuals with convictions, promoting inclusive education, skills development, and rehabilitation. They collaborate with prisons and community organizations to offer vocational training and personal development, aiding reintegration into society by enhancing employability and life skills. Prison educational services are in all Irish prisons and are provided in conjunction with ETBs, the Public Library Service, the Open University, and the Arts Council (ETBI, 2024). Dedicated teachers provide literacy, numeracy and general basic education provision as a priority, as well as broad programmes of education which generally follow an adult education approach. Junior and Leaving Certificate courses are available. QQI accreditation is widely used by the ETBs. However, a critical issue identified widely is that it is often difficult for those leaving prison to continue their education in the community (Pierce et al., 2024; Meaney, 2019; Unlock, 2021; Brooks, 2023).

Some services have been developed specifically to help individuals in prison and post-release. Prison programmes such as University College Cork's (UCC) Inside-Out Exchange Programme (2024) allow incarcerated individuals to complete a course while in prison, while facilitating co-learning alongside criminology students from UCC. Similarly, the Mountjoy Prison Maynooth University Partnership follows a similar model where university lecturers deliver talks inside Mountjoy's Progression Unit[1] and promote access to educational opportunities. Post-release programmes such as the Pathways Centre, which is an outreach initiative of the City of Dublin ETBs Education Service to Prisons, offer respite to formerly imprisoned people in the crucial period after release by providing information, education, counselling, support and referral.

The KickStart Scholarship, funded by the Probation Service and supported by the Irish Prison Service, offers access to HE for PWCs who are experiencing socio-economic disadvantage. There are two scholarships reaching €20,000 or €5,000 over a four-year full-time or six-year part-time course. Partnering Universities include Maynooth University, Dublin City University, Dundalk Institute of Technology, Technological University of the Shannon Midlands Midwest, Athlone (MEND Cluster).

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1   In 2024, The Progression Unit in Mountjoy Prison ceased to operate as an enhanced regime to meet the requirements of wide-spread overcrowding in the prison system (Ruane, 2024).

The importance of access to education and breaking down barriers to education is highlighted in the National Access Plan produced by the Department of Further and Higher Education, Research, Innovation and Science, and the Higher Education Authority. The 2022-2028 edition was the fourth plan produced and it includes individuals who have experience with the criminal justice system within one of the strategic priority groups to target and for whom barriers must be removed. The Unlocking Potential Project at Maynooth University helped push for this, and developed a toolkit (2022) to help guide both HEI staff as well as prospective students with a conviction in terms of fair admissions policies and practices.

2.5 Policy in Ireland, Europe, Internationally

2.5.1   Criminal Background Checks (CBCs)

Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 (NVBA), Garda Vetting is conducted for those who are carrying out work or activities which involve access to, or contact with, children and/or vulnerable persons. An Garda Síochána provides details of a person's criminal record, including any pending prosecutions, within or outside the state but plays no role in the decision-making process. However, section 14(1) states that the enquiries extend beyond a criminal record to include any 'specified information relating to the person' (NVBA). Further, section 14A(1) highlights that all convictions will be disclosed unless, if generally holding one conviction, the person 1) was at least 18 years old at the time of the offence, 2) did not commit an excluded offence, 3) the conviction is at least seven years old, 4) the person has served or complied with any sentence imposed, or order made by the court (NVBA). Section 14A(4) highlights the exceptions to the general one conviction rule.[2]

One difficulty experienced by PWCs attempting to access education is that the decision to collect criminal conviction data is at the discretion of the institution. The information can be collected in various ways and across different stages of the application process such as in the early stages right up to enrolment and registration (Evans et al., 2019; Meaney, 2019; Brooks, 2023). Brooks (2023) outlined that for applications to non-regulated programmes, despite it no longer being a requirement by UCAS, 103 or 108 universities in the UK still require applications to disclose some unspent criminal records as part of their own internal admissions processes. In an Irish context, while Garda Vetting is not a legal requirement for accessing HE, it has proven to be a serious barrier to progression in education due to the challenging and discretionary implementation of the vetting process across different institutions and contexts (Meaney, 2019).

2.5.2   Spent Convictions

The Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 was enacted with the intent to operate as a rehabilitative tool, whereby previous convictions may become spent or removed from the record in certain circumstances. Section 5(2) asserts that a minimum of seven years must have passed since the effective date of the conviction, under section 4(1)(b), crimes tried in the Central Criminal Court are excluded and, as an outlier in Europe (Houses of the Oireachtas, 2019), under section 5(3), there is an arbitrary cut-off

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2   As this does not apply to offences under the Road Traffic Acts 1961 to 2014 (except for section 53(2) of the Road Traffic Act 1961), under section 37A of the Intoxicating Liquor Act 1988, and under section 4, 5, 6, 7, 8, 8A(4), or 9 of the Criminal Justice (Public Order) Act 1994 (Law Reform Commission, 2022).

at one offence that may become spent, excluding certain public order or minor motoring offences. This is limited to a 12-month or less custodial sentence, or a 24-month or less non-custodial sentence under section 5 (Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016). The 2016 Act has been repeatedly criticised for its limited scope (McIntyre and O'Donnell, 2017; Houses of the Oireachtas, 2019) but there is hope it will be extended and amended, adopting a fairer approach and a principle of proportionality, within the Criminal Justice (Rehabilitative Periods) Bill 2018 (McIntyre and O'Donnell, 2017) if it is enacted.

2.5.3   Privacy Legislation

2.5.3.1   General Data Protection Regulation (GDPR)

With regard to privacy, other qualifications fall under the GDPR that limit the context in which people can be asked to disclose their criminal records. Article 5, Chapter 2 of the GDPR highlights the need for purpose limitation and data minimisation when collecting people's personal data. Purpose limitation asks for a clear reason why you are collecting or processing data in the first instance, and states that you can only ask for data if the collection is necessary for the original purpose, that you have the individual's consent, or if there is a clear reason set out in law. Data minimisation further supports this approach by outlining that an institution should only ask for information to fulfil its stated purpose, and it is limited to that purpose. Article 6 of the GDPR further specifies that if any criminal conviction data is processed, the processor must have a lawful basis to do so. There are six lawful bases: contract, legal obligation, vital interest, public task, consent, and legitimate interest. As we found in our data collection, there are a variety of reasons why people ask individuals to disclose their convictions, and why and how they think this helps mitigate risks. Additionally, what happens to the information once it is collected by HEIs is often unclear.

2.5.3.2   Irish Data Protection Act 2018 (IDPA)

In Ireland, the IDPA 2018 and the NVBA 2012-2016 outline national policies related to convictions histories and disclosure. As part of the Garda Vetting process, an applicant must disclose all convictions. In other contexts, institutions can ask individuals to disclose voluntarily, but applicants must be provided with details of their lawful basis for asking and a copy of their privacy policy which should set out the data retention periods and with whom the data will be shared.

The literature, although underdeveloped in places, presents clear patterns of perceptions and ensuing policies rooting the risk paradigm. Conversely, the empirical evidence fails to support understandably appealing arguments that requiring disclosure of criminal records increases campus safety. Existing legislation on background checks, data protection, and privacy remains less than clear in many stakeholders' eyes leading to inconsistent and under-evidenced policies, practices, and experiences across the HE landscape. Having elaborated on the contextual literature and policy, the following section will briefly discuss the research methodology before presenting the resulting findings.

3. Methodology

This report consolidates findings from a series of research projects focusing on post-conviction pathways to education and employment for PWCs in Ireland. The objective of this report is to enhance the understanding of HEIs in relation to their attitudes and approaches toward educating PWCs, while identifying barriers, pathways, and policy objectives to improve access. The research team has run this project alongside another project that focuses on employment pathways for PWCs, as the two projects run symbiotically. We approached the data collection with a specific mind to feed into policy actions.

3.1 Methodological Approach

We attempted to produce a research design that would maximise the granularity and diversity of data sources and methods, which included a survey, semi-structured stakeholder interviews, and a participatory symposium. The variation in employing qualitative, quantitative, and participatory methods in a project is borne out in the literature (Clark et al., 2021), with each method chosen by the research team to achieve specific outcomes and outputs for the project, which will be further outlined below. The researchers also employed a 'peer' research assistant with lived experience in post-conviction education and employment markets and the associated barriers who helped analyse data.

As such, we adopted a mixed-methods design, as this approach effectively balances the richness of qualitative data with the breadth of quantitative analysis. Our approach involved various data collection methods, including:

1. **Desk-Based Literature Review:** This initial phase involved reviewing existing studies on higher education opportunities for PWCs, both domestically and internationally.
2. **Collation of Policies:** We reviewed HEI and privacy policies relevant to PWCs in Ireland.
3. **Mapping Legal Frameworks:** An analysis of pertinent legal and policy frameworks surrounding PWC access to education and employment was conducted.
4. **Surveys:** Surveys were distributed to both HEI employees and students to gauge attitudes and experiences regarding PWC access to education.
5. **Interviews:** Semi-structured interviews were conducted with stakeholders, employing snowball sampling to identify participants with relevant experience.
6. **Participatory Symposium:** A workshop-style event that brought together key stakeholders, including PWCs, HEI staff, and employers, to collaboratively discuss challenges and make policy recommendations.

We integrated insights from a peer research assistant with lived experience in the field to enhance the quality of data analysis. Ethical approval for the project was secured from the Maynooth University Social Research Ethics Subcommittee in March 2023.

3.2 Data Collection and Analysis

Data were gathered from January 2023 to July 2023, with overlapping streams feeding into each other.

- **Survey Findings:** The survey captured responses from 19 PWCs and 29 HEI staff, with demographic details indicating a predominance of Irish and White Irish participants using Qualtrics. The majority of PWCs surveyed were male and aged between 35-54, while the majority of HEI staff respondents were female and aged between 45-64. The data was analysed using SPSS 25.

- **Interview Insights:** A total of 11 PWCs, 9 HEI Staff and three other stakeholders participated in interviews, providing in-depth qualitative data vital for understanding personal narratives regarding barriers faced by PWCs in accessing education. Thematic analysis (Braun and Clarke, 2006) was employed on the interview data using NVIVO.

- **Participatory Symposium Outcomes:** This event facilitated dialogue among various stakeholders, focused on co-designing solutions to identified barriers. Recommendations were generated collectively, emphasizing collaboration rather than unilateral decision-making.

3.3 Limitations

While the research offered valuable insights into the landscape of PWC accessing HEI education, certain limitations were noted. This was a small scale project with a corresponding small sample size which should be reasonably considered in terms of the generalisability of the findings. The survey's design and inclusion of numerous consent and information pages (for ethics purposes) most likely contributed to attrition from the survey. Thus, if someone stopped responding to questions before the final confirmation in the online portal, Qualtrics, this meant incomplete responses could not be included. Additionally, to protect the anonymity of participants we did not ask staff or students to list their HEI affiliations, so it is possible that participants represented a large or small number of Irish HEIs. The absence of published data on HEI policies and low engagement and response rates to request for information and invitations to participate in the study hindered basic policy data (see Section 4.2) and more contributions a wider range of HEIs. Regrettably, there was a notable lack of diversity beyond the White Irish demographic among participants. Another challenge was recruiting a balanced number of male and female PWCs for interviews.

4. Findings

4.1 Risk and Disclosure

The absence of a specific definition of risk was a feature of the data. Echoing the corresponding dataset with employers (Garrihy & Bracken-Roche, 2024a, 2024b), a largely binary designation of applicants' risk levels was plotted from less serious offences (i.e., motoring offences) to very serious offences (i.e., violent and/or sexual offences). Drug offences constituted a less defined level of risk as references were made to low-level or perceived higher-level drug offences with the student body's presumed vulnerability to drug use anchoring the elevated level of risk in this regard.

Safeguarding staff and students, broadly defined and rarely specified, remains the primary concern for HEI staff analogous to recent UK research (Brooks, 2023). Some PWC Participants also asserted a potential concern in this area but usually, those with sexual offences were the focus of such assertions.
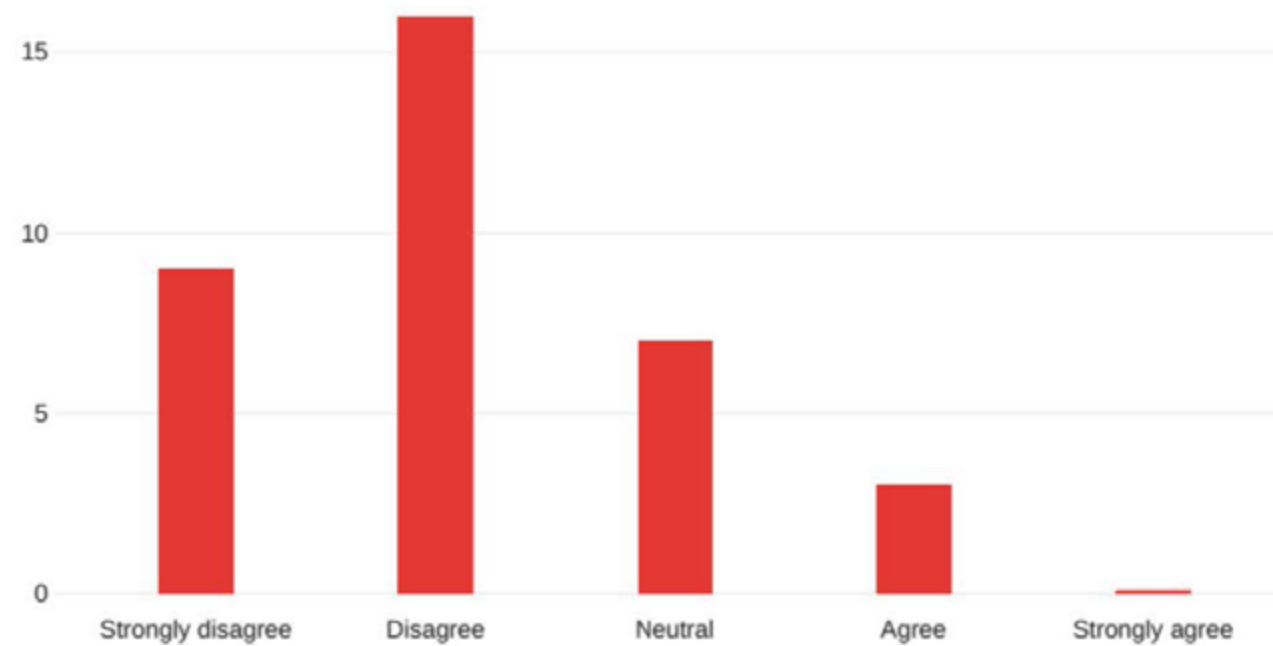
Figure 1: PWCs being admitted to my institution pose risks to the campus community.

Reflecting the discernible hierarchy of offences, Figure 2 presents the shift in attitudes from all offences and those with violent offences. To be clear, no significant evidence base was provided across the dataset to support the contention that students with convictions for violent offences make campuses less safe and/or increase violence on HEI campuses which corresponds to the literature (Olszweska, 2007; Weissman et al., 2010; Runyan et al., 2013; Hughes et al., 2014; Brooks, 2023).
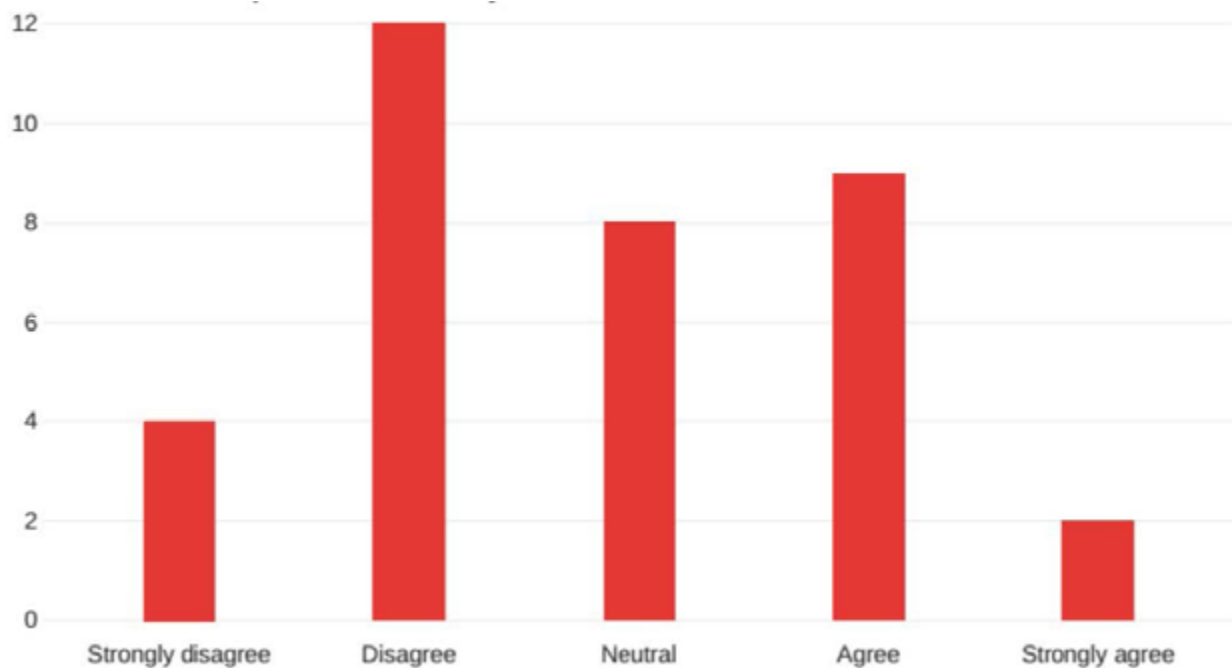
Figure 2: People with violent convictions being admitted to my institution pose risks to the campus community.

A Survey Respondent articulated this explicitly stating, "Any PWC of a violent/sexual nature would pose concern". This sentiment was supported by another Survey Respondent adding "I may be slower to accept some convicted for violent sexual crimes". This sentiment was borne out in Pierce et al.'s (2014) previously mentioned study in the US where 54% of included universities reported that they would probably or not admit an applicant who had been arrested for rape or sexual assault. As discussed in Section 2, equivalent increased levels of concern for sexual offence convictions are evident in the international literature (McTier et al., 2020).

A further Survey Respondent outlined their interpretation of various convictions, "It depends on the conviction, violent crimes could pose a risk to staff and students, drug convictions could also pose a risk to students, financial crimes could pose a risk in certain areas (i.e. finance)." . Contrarily, a Survey Respondent presented the opposite end of the hierarchy of offences and their perceived consequences noting "less serious convictions equal less barriers".

The issue of risk was defined as a "core question" by an HEI Admissions Staff Interview Participant stating:

> I suppose the core question always is, 'does this student present a risk?' […]
> Now, you might say, 'how does that get measured?' It's very hard to measure it.
> **(Participant 15, HEI Staff)**

The predominance of risk in considerations of admissions for PWCs is reasonably characterised as a proxy for fear. HEI Staff Participant 12 identified this among some colleagues in their institution asserting that there is a:

> […] fear that they [PWCs] will infect the institution, that they will, that they pose a physical threat. That they will somehow undermine the rule of law and order and a genuine concern amongst the people that I've spoken to that somehow, they're going to do something so terrible and that we should all be fearful of having them in our midst.

In alluding to this fear, a particularly concerning element is the suggestion that some HEI staff may consider PWCs as an "infection" to the antipathical purity of the HEI staff/student body. This reflects the stigmatisation of PWCs and is keenly felt by students with convictions as discussed in Sections 4.5 and 4.6.

The absence of an evidence base for the perceived higher level of risk posed by PWC was addressed by an HEI Access Staff Participant specifically by widening the risk paradigm to the general student population rather than merely those with convictions:

> "What's key to me, also from an institutional point of view, is risk. Where is the risk? […] I have found in my experience, there's more dangerous people in those [multiple thousand][3] students that [sic] we currently have than [sic] there are of the people who are willing to disclose their past history."
> **(Participant 12, HEI Staff)**

Addressing the merits of requiring disclosure as a form of risk assessment to enhance security and/or safety on campus, a HEI Interview Participant asserted the following argument fundamentally undermines it.

> "…let's say there is an issue later on with a student and we have had student issues, of course, you know, where students have gotten violent with one another and maybe the question is asked at that point, you know "they have a conviction? Why did we not know about this?" But like you can't ask [multiple thousand][4] students a question just because […]. And what would a conviction tell us anyway? It would be no use to us. Like we don't know just because they have a conviction that they're going to become […] violent or cause trouble down the line. You know, […] it's not something that would be any use really to the university."
> **(Participant 12, HEI Staff)**

This is a crucial element challenging requiring and keeping conviction data for an unsubstantiated form of future insurance policy. As discussed in Section 2 and in the following sections, criminological research on recidivism and desistance reveals that without new convictions in the intervening period, previous convictions are no longer predictors of

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3   Specific figure redacted to maintain anonymity of the participant and their HEI.

4   Specific figure redacted to maintain anonymity of the participant and their HEI.

future criminal offending (Maurutto et al., 2023). Moreover, requiring disclosures from PWCs does not indicate reduced crime rates on campuses (Hughes et al., 2014). The diminished value of a criminal record as a predictor of reoffending undermines the premise of seeking disclosures. Thus, the 'comfort' of basing risk assessment protocols on such a premise is at best characterised as performative 'security theater' (Zedner, 2009: 22). Put simply, this 'largely symbolic practice' (Maurutto et al., 2023: 9) fails to reduce risk effectively.

Responsibility and accountability are features regarding the merits of seeking disclosure as policy or by ad hoc means. Participant 15 (HEI Staff) identified the staff most likely to be concerned about risk and associated approaches to disclosure as follows:

> **The people who at some stage may say, or are more inclined to say, 'let's have something' [a disclosure requirement] are the people who tend to be the people whose desk it'll arrive at if a problem ever emerged.**

Responsibility and accountability are not mutually exclusive. The relationship between risk and responsibility should not be imbalanced to burden or further enmesh students with conviction(s). While the appeal of a policy or procedure that offers to reduce the risk of negative incidents and/or offer some contextual information and legitimacy to safety protocols in the HEI is understandable, we are certainly empathetic to those whose role it is to ensure this to the greatest extent possible. However, the literature and data simply do not support requirements to disclose convictions as an effective measure to achieve this (Olszweska, 2007; Weissman et al., 2010; Runyan et al., 2013; Hughes et al., 2014; Brooks, 2023). Moreover, the literature illustrates the 'chilling effect' on those PWC applicants and the further stigmatisation of those PWC applicants who are admitted (Brooks, 2023).

However, it would be 'naïve' (Participant 15, HEI) to think that all applicants engage faithfully with risk assessment protocols based on required but unenforceable disclosures of convictions, except Garda Vetting. Maintaining such assessment protocols in the hope that they offer some protection or increased safety, and security is not sustained by the evidence and literature (Weissman et al., 2010; Brooks, 2023). Put simply, if a prospective student has malevolent intent, they are very unlikely to draw attention to their previous experiences with the criminal justice system.

The potential for reputational damage remains underplayed in the dataset despite being recognisable in some elements of the issues raised around risk and disclosure. HEI Staff Participant 15 asserted that approaches to risk and disclosure were "absolutely around duty of care to the individual, but also a duty of care to the students and the duty of care to staff" while addressing suggestions of insuring against reputational damage by stating that, "if there is a percentage of a sense of covering our tails here, it's at the nanosecond, […] infinitesimally small". Further nuance is added by this interviewee's previously mentioned elaboration of the "correlation" between those who would support a convictions policy and those who would be "answerable". The list of who the staff would be answerable to - a parent, a student, media, and families - belies a latent concern for public scrutiny and it is, therefore, reasonable to argue that reputational damage remains a significant concern. A Survey Respondent was more forthright in their expression of their concerns about admitting PWCs by listing "negative publicity" as a key issue. While the undefined manifestation of risk remains opaque, the risk of reputational damage in the event of a negative incident relating to a PWC and the concern over students' families' reactions were identified in the dataset.

As represented in Figure 3 below, an almost equal distribution across the HEI Staff Survey Respondents regarding this risk reflects variance in the data from Admissions and Governing Authority Staff (Figure 4) to Access and Student Support Staff[5] (Figure 5).
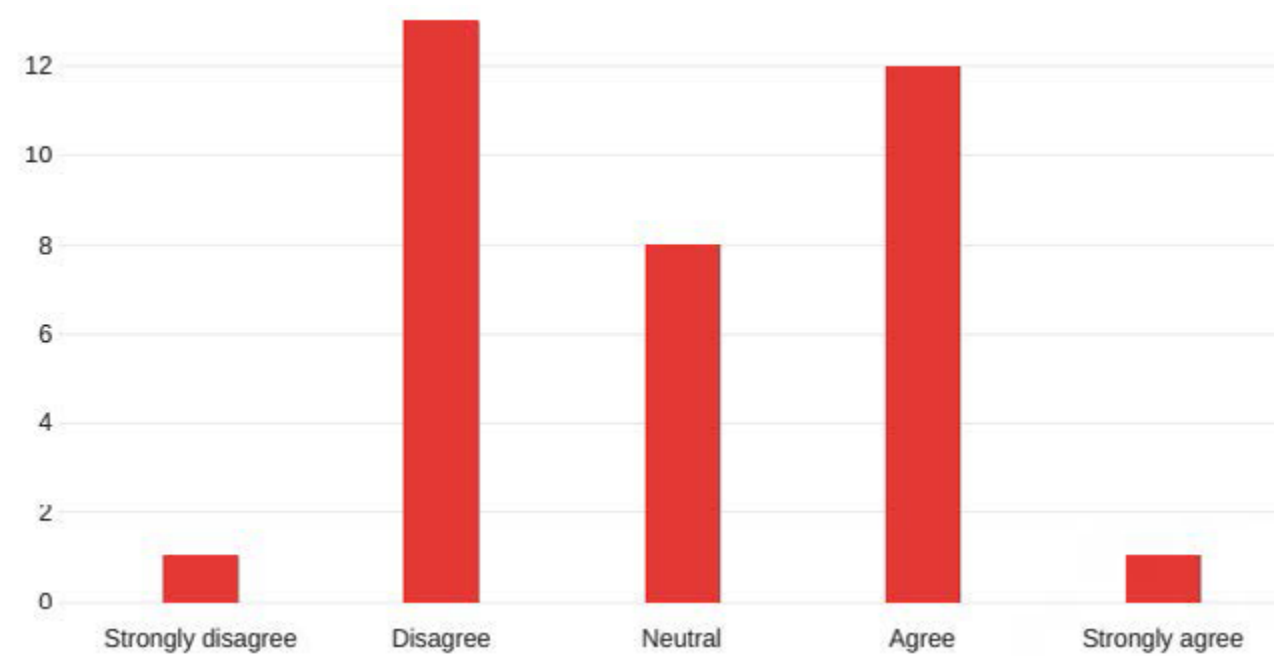
Figure 3: I would be concerned with other students' family's reactions to PWCs being admitted to my institution.
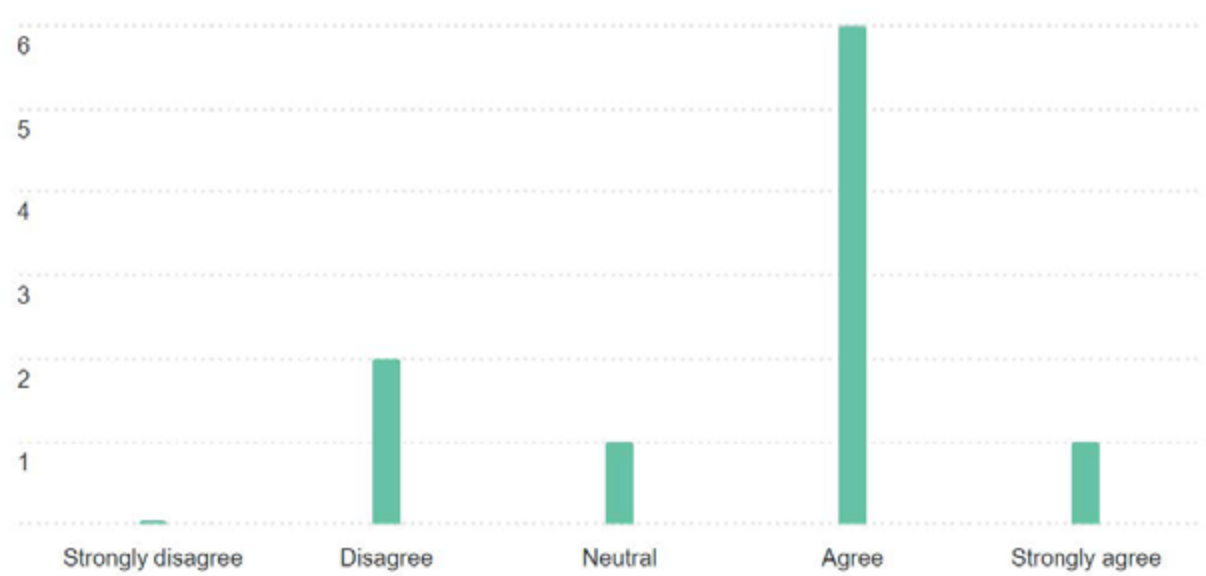
Figure 4: I would be concerned with other students' family's reactions to PWCs being admitted to my institution (Filtered by Admissions and Governing Authority Staff)

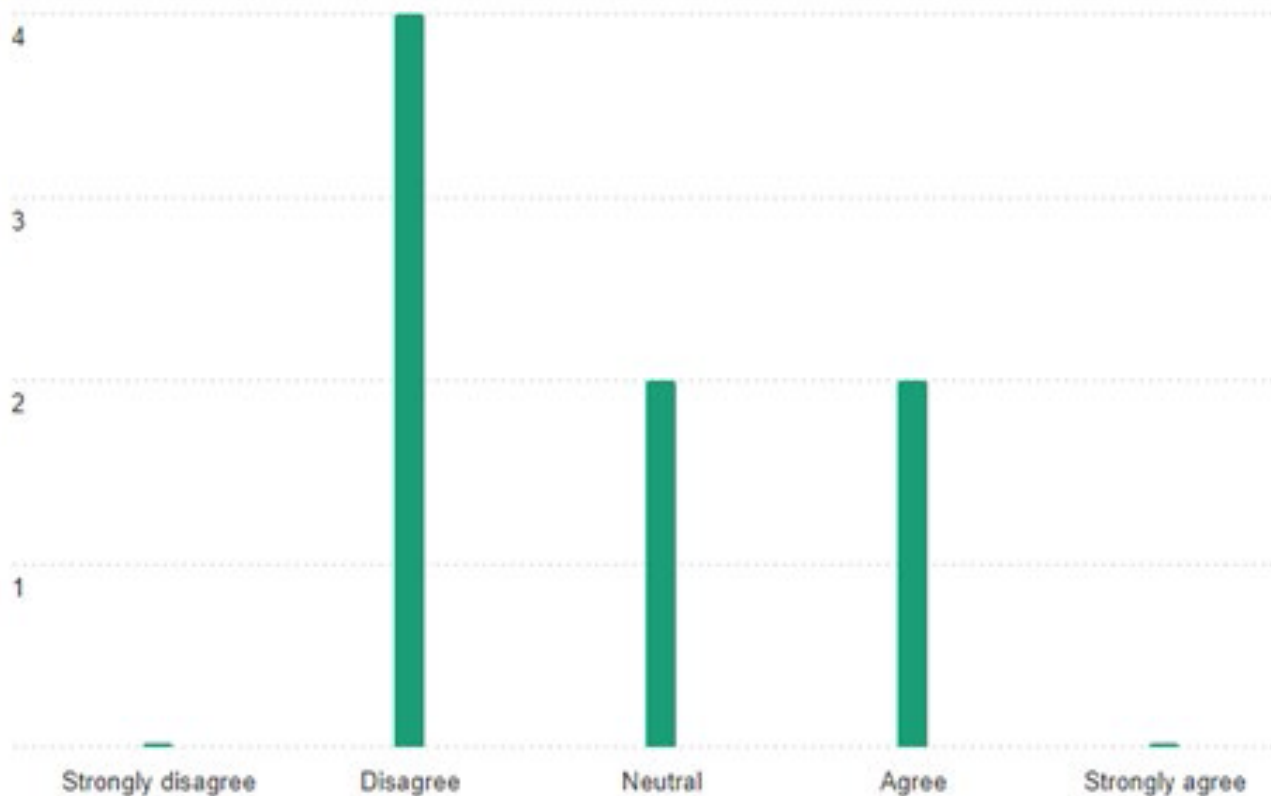5   The remaining distribution of HEI Staff Respondents are distributed as follows: Faculty, 7; Recruitment, 5; Student Support, 5; and Other, 3.

Figure 5: I would be concerned with other students' family's reactions to PWCs being admitted to my institution (Filtered by Access and Student Support Staff)

The genuine and less recognised, or indeed, valued risk of employing conviction disclosure policies is the risk of losing prospective students. The 'chilling effect' of conviction policies and/or disclosure requirements is not easily measured and was not achieved in this study but is supported in the literature (Brooks, 2023). Anecdotally, the research team were aware of concrete cases whereby prospective students were put off by such policies before and/or during the application process.

PWC Participants shared their experiences of stigma and isolation stemming from their often-permanent perception as 'risky' in the HEI admissions processes (elaborated in the forthcoming sections). It is noteworthy that some of the PWC Interview Participants expressed the absence of overt stigmatisation, but as discussed in Section 3: Methodology, this is potentially partially resulting from snowball sampling and also dependent on the conviction offences, programmes/disciplines chosen and the links to the HEI and/or programme in advance. A PWC Participant expressed feelings of being judged as risky, unreliable and untrustworthy in HEIs by succinctly stating:

> **That we would drop out or quit because we're unreliable (not true) or that we might steal from an employer or college.**
> **(PWC Survey Participant)**

Conceptualisations of risk and varying perceptions thereof permeate HEI policies and procedures relating to PWCs admissions and integration into the institutional community. It is noteworthy that reliance on a risk-based paradigm invariably underappreciates a holistic

conceptualisation of a person, their experiences in context, and their capacity to desist from crime and contribute to the community. Put simply by PWC Interview Participant 23, "I did [>10][6] years and if I can change, […] anyone can change". The sections that follow account for key issues experienced by HEI staff and PWCs throughout the journey from HEI applications through admissions and navigating the HEI environment.

4.2   HEI Policies Regarding Convictions

The task of identifying which HEIs have specific policies in place regarding admissions for PWCs and/or disclosure requirements should be relatively straightforward. This is not the case and concerted efforts to do so across the HE sector proved extraordinarily difficult. Research on HEI publications and webpages was supplemented with repeated emails and requests for comment with dedicated invitations to participate in the study by survey, interview or participatory symposium were conspicuously unfruitful leading to a partial account at best of the policies of HEIs in Ireland. The most recent study from the UK is stark with 103 universities requiring disclosure of some unspent criminal records as part of their own internal admissions processes (Brooks, 2023).

The survey data offers the most revealing insights into the prevalence of policies requiring disclosure of criminal convictions. As noted in Section 3, this data comes with the caveat that respondents were not asked to identify their HEI, so multiple staff members from the same HEI may be represented. Nonetheless, Figure 6 presents a broad distribution of responses, but just over half (17) confirm that there are specific conviction policies and/or obligations for PWCs to disclose in applications to my institution.
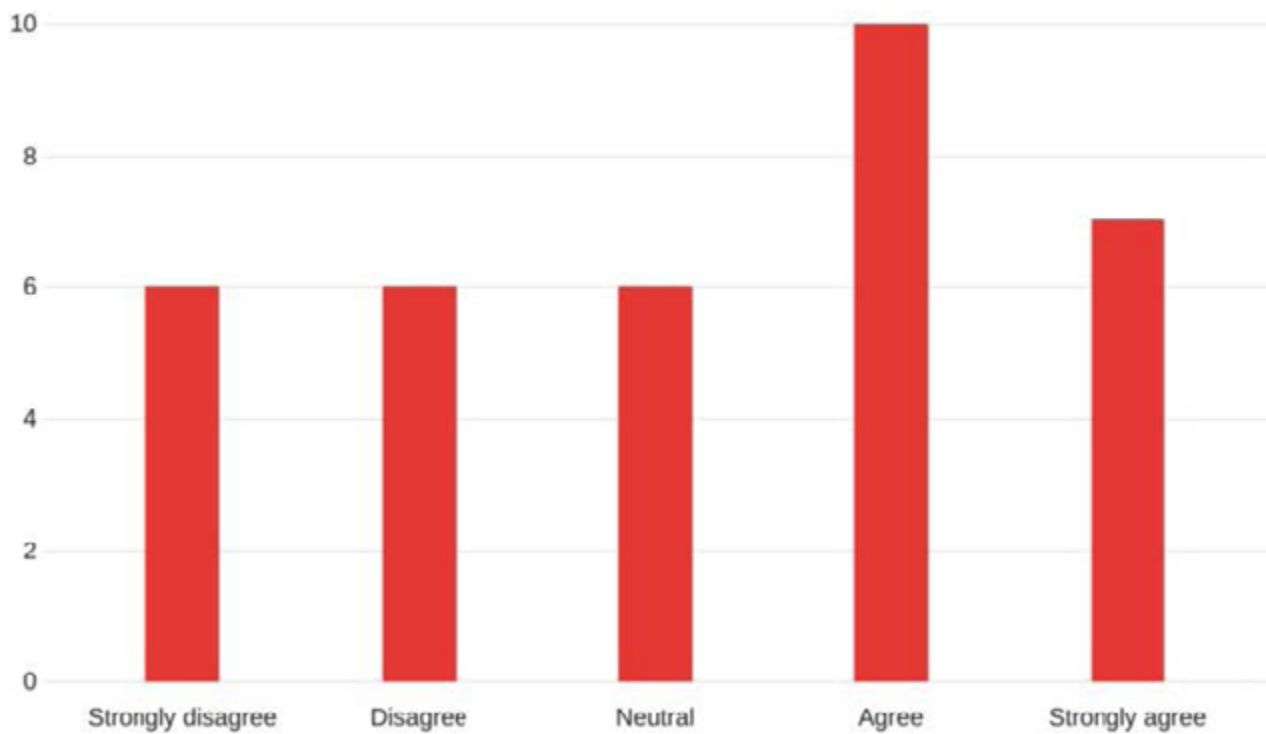
Figure 6: There are specific conviction policies and/or obligations for PWCs to disclose in applications to my institution.

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6   The specific sentence length is omitted to maintain anonymity of the participant.

Figure 7 provides insight into the various stages at which PWCs must disclose their conviction.
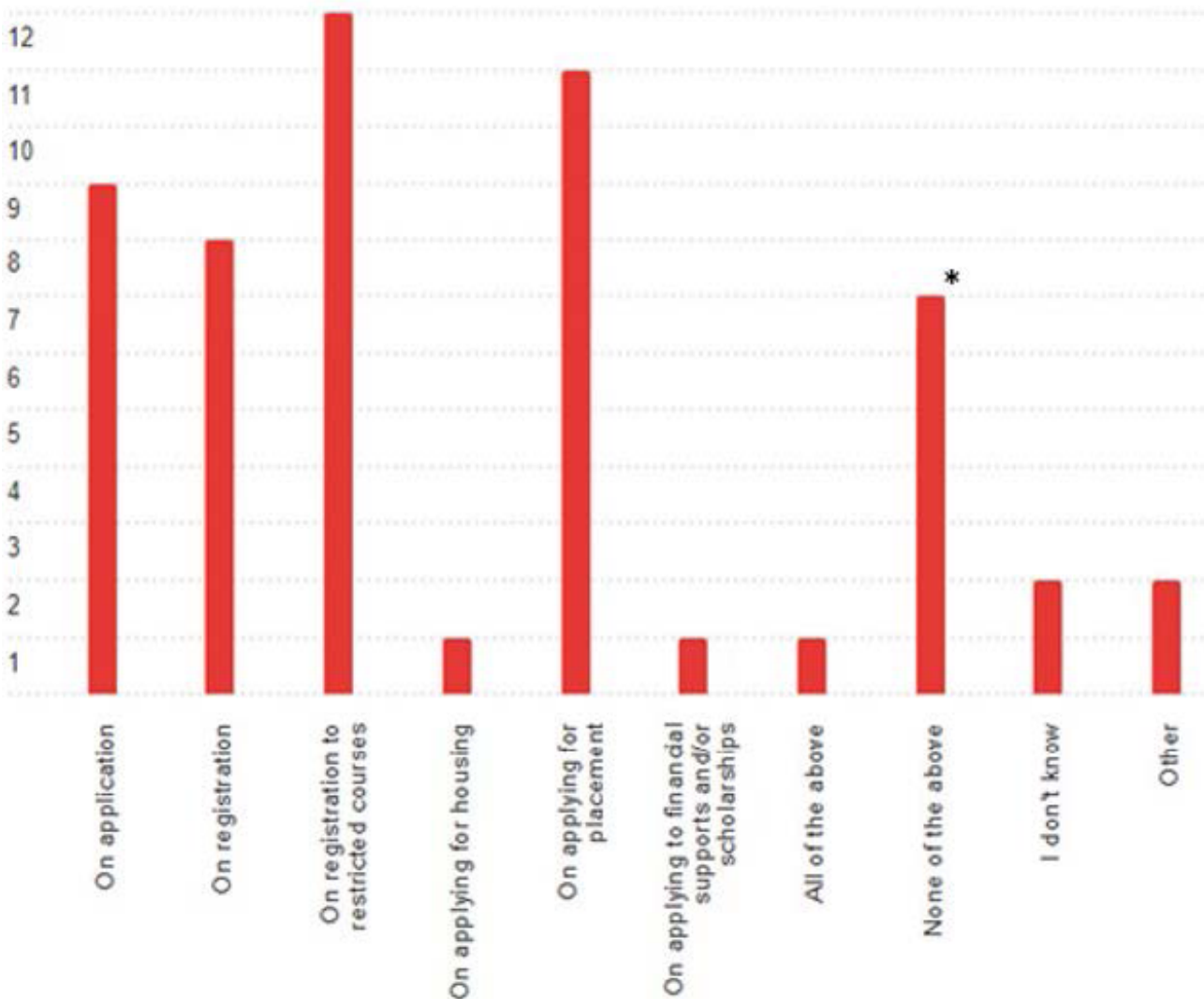
Figure 7: Please state all occasions where people are asked to disclose their convictions history.

While the graph is indicative, a limitation is noteworthy. The third bar from the right represents a figure of seven reporting 'none of the above' but this, as one respondent noted, was because Garda Vetting or so-called 'Student Vetting' was not listed as an option but was a point of disclosure if the HEI offered any programmes that require Garda Vetting. It is also reasonable to assert that some participants may have misinterpreted the question or made an input error.

Finally, the lack of communication and messaging on policies and requirements for PWCs represents a significant barrier to inclusive admissions (see further analysis in the following sections). A HEI staff Survey Respondent expressed their estimation of policies that require disclosure asserting "I would be very alarmed if any HEI in the country was asking applicants about past convictions before the Student Vetting process has commenced". The process termed "Student Vetting" is, however, ambiguous.

It is reasonable to assert that this refers to Garda Vetting but may also refer to a bespoke vetting policy in their HEI where disclosures of criminal records are required.

HEI Staff Interviewees presented various approaches to conviction policies with an example of an active policy requiring disclosure at the point of registration supporting the eight Survey Respondents in Figure 7. Other HEI Staff Interviewees noted a practice of only requiring disclosure of convictions during the mandatory Garda Vetting process on programmes (Participants 2, 11, 13, and 25). It is noteworthy that these Participants considered this practice was not intentionally discussed or decided on as best practice. Rather it was more accurately characterised as an issue that was not considered or the absence of policy.

4.3 GDPR/Privacy

General Data Protection Regulation (GDPR) appears to be ubiquitous, especially in large public institutions, but there were multiple and sometimes conflicting interpretations about it and gathering convictions data from PWCs. A HEI Interviewee (Participant 7) was of the view that to adhere to GDPR, HEIs should only be seeking convictions data for "a course that's related to working with vulnerable populations". Nearly two-thirds (20) of HEI Staff Survey Respondents supported a similar interpretation as presented in Figure 8 while noting the addition of 'violent convictions' was included in this question.
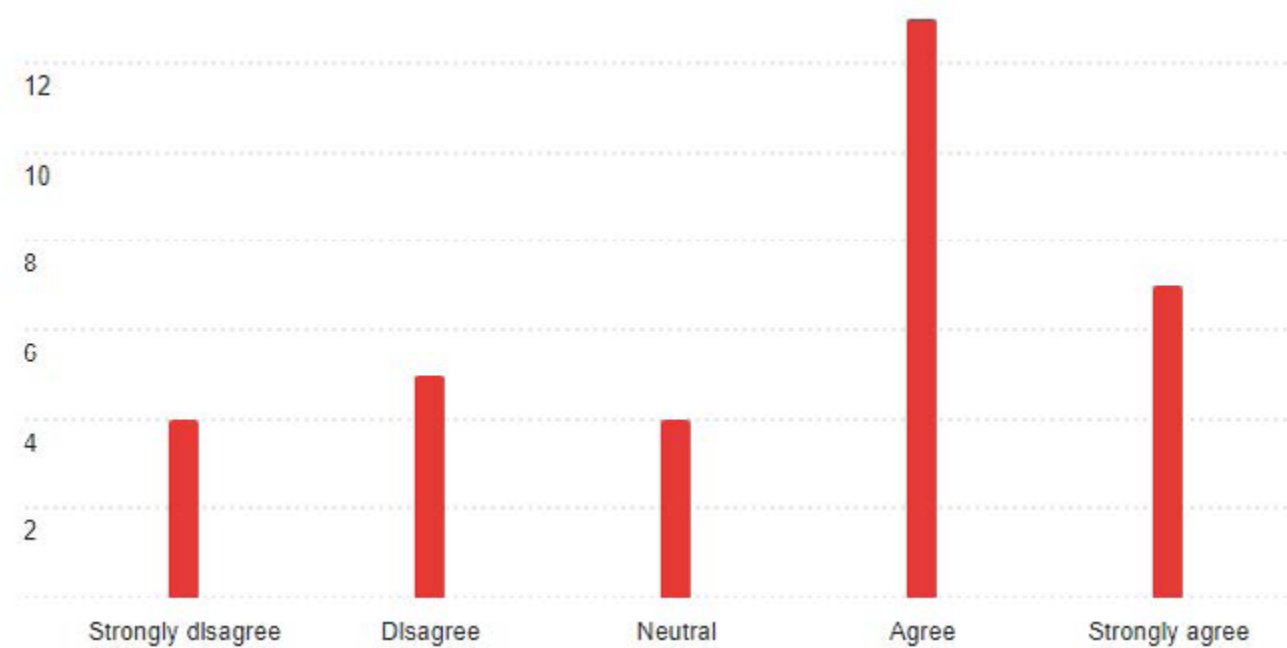
Figure 8: PWCs should only have to disclose convictions when working with vulnerable populations or when they have violent convictions

Expanding on this, a HEI Admissions Interviewee stated their working interpretation of the role of GDPR in their work very clearly.

> […] if we're ever considering collecting information from students, and we're looking at […] the list of questions. GDPR requirements inform that always. So, […] if you don't need the piece of information from a student, you don't ask the question. We're not allowed to, you know? So, there's no need for the university to ever know that a student has a conviction unless they're studying, and this is like if they're going into a lot of programmes where they're not coming into contact with minors and vulnerable adults. There's no need for [the] university to know this.
> **(Participant 11, HEI Staff)**
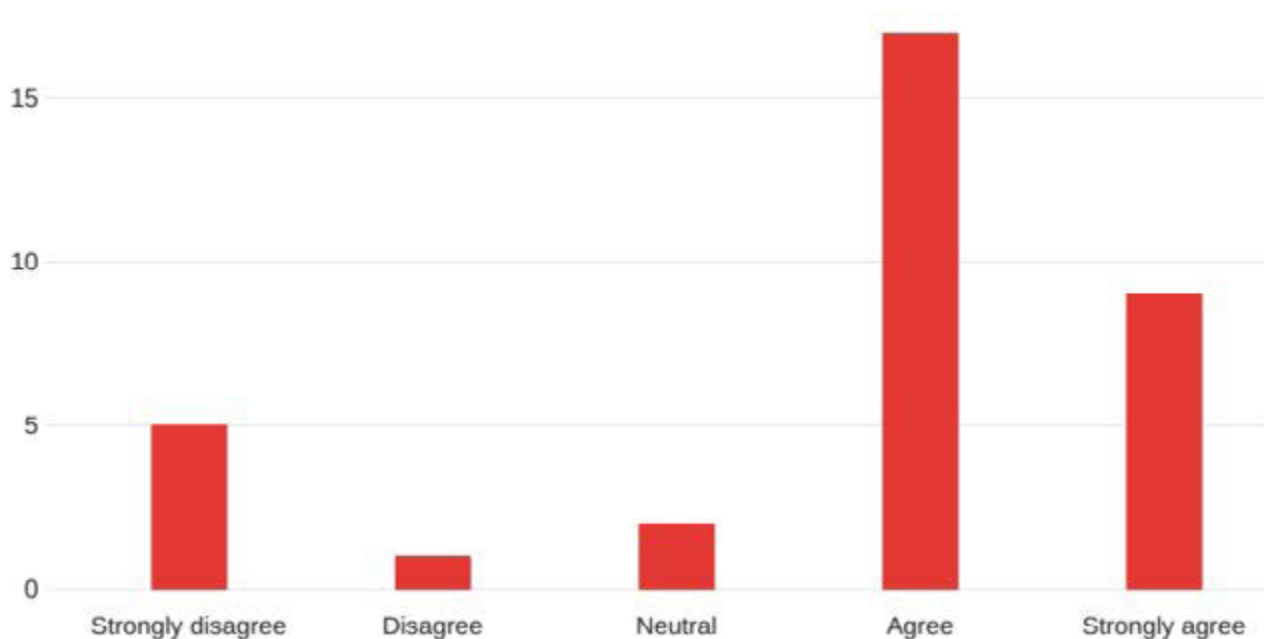
Figure 9: I am aware of how GDPR impacts my institution's admissions policies/ practices

As illustrated in Figure 9, the HEI Survey Respondents positively asserted their awareness of how GDPR impacts their institution's admissions policies and practices which largely reflected the interview and symposium data. However, the specific structures and policies of a HEI may determine the extent to which GDPR and indeed, vetting cases are handled and by whom. In response to the question, "Would it be right in saying that it's [GDPR] not something that's part of the discussion around these things?", an Admissions Interviewee (Participant 2) in a HEI where students are not required to disclose in cases other than necessary through Garda Vetting responded, "No, not, not at all." In a concerning report, the same participant added that there were copies of PWC students' Garda Vetting Disclosure documents being exchanged "back and forth" by email between Admissions Officers and Academic Departments without due care and diligence to comply with GDPR.

PWCs are often very familiar with GDPR. A PWC Interviewee felt that seeking disclosures constituted an "intrusion on people's privacy" while adding that they "don't see any valid reason why you'd wanna know. Not unless it was to do with child protection stuff".

4.4 Garda Vetting

Garda Vetting is a core feature of specific HE Programmes and extends beyond the confines of the HEI into the placements associated with many programmes. As defined in Section 2, Garda Vetting is conducted for those who are carrying out work or activities which involve access to, or contact with, children and/or vulnerable persons. The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 (NVBA) indicates that the Garda has no role in deciding the outcome of the admissions process. Their role is to provide details of a person's criminal record, including any pending prosecutions, within or outside the state. Information received through the Garda Vetting System - a Vetting Disclosure - includes "particulars of the criminal record (if any) relating to the person, and a statement of the specified information (if any) relating to the person or a statement that there is no criminal record or specified information, in relation to the person" (An Garda Síochána, 2024, Online) from inside or outside the state.

Progressive practice and ethos were evident in the data as expressed by HEI Participant 11 noting "Underpinning everything we're doing in Garda Vetting is 'let's keep the student on the programme', you know? If we can." Despite this, there remains considerable ambiguity about the function and outcome of Garda Vetting processes among HEI Admissions Staff and PWC. Despite expressing an understanding of Garda Vetting, phrases such as "they don't pass the Garda Vetting" (Participant 2, HEI Staff) were common which may seem not to support a holistic approach to the wider context of an applicant and their criminal record. The centrality of Garda Vetting for community, care and/or health-related programmes that are frequently chosen by PWCs is compounded by a lack of clarity on the functions, limits, processing time and role in decision-making of Garda Vetting. Moreover, the visceral physical, emotional and psychological impact of being subject to the Garda Vetting process is often under-appreciated but evoked by PWC Participant 19's reaction when "the blood just drained from me".

Responsibility for Garda Vetting generally sits with the HEI Admissions Office with varying inputs from the relevant Departments/Schools. Some HEI Participants noted that "it's mostly up to the schools" (Participant 2, HEI). The host institutions for placements are purportedly "making the big decisions around that". However, there is diverse testimony on the practices of various placement host institutions. HEI Participant 11 contended that some are "easy conversations" with PWCs because

> A lot of times, especially with those two programmes, youth and community work and social work, this student has already sorted their placements by the time they're sitting here [in the Admissions Office]. They've sorted their placement and the people on the placements know their background.

Conversely, more complexity was reported "outside those programmes, like nursing, where we have a lot of mature candidates. Mainly female. You know, sometimes they've come from a really, really difficult background and they're just like, "ohh I've to talk about this again", […] they're just exhausted from it". Responsibility is also purported to lie with the student in cases where they "actually have to go into the Vetting, E-Vetting and put input their details and get their documentation together." (Participant 11, HEI Staff). Finally, the responsibility of approving participation in an academic programme and/or placement after Garda Vetting lies with Admissions Offices according to this data with variants of approval documents being provided to PWCs and Department/Schools.

We contend that the earliest communication of the requirements for and process of Garda Vetting is preferable. This appears to be in place for some HEIs where "every course that needs Garda vetting says in the prospectus" and this is reflected on the CAO website[7] (Online, n.d.). While clear and early messaging on all policies and processing is lacking but welcome where currently available, the potential 'chilling effect' is further acknowledged by a HEI Participant stating that concerning Garda Vetting, "it must probably self-select a fair few people who see that it's a requirement" (Participant 2, HEI Staff).

The length of processing Garda Vetting applications was characterised as "too slow" by HEI Staff and PWC alike with negative implications for students as they have "missed college courses because of the delay in receiving the vetting disclosure" (HEI Staff Survey Respondent). HEI Interview Participant 2's experience ran contrary to this characterising it as "not very long usually" at "a few days" to "six weeks or so" although adding that it depended on the time of year with September understandably seeing the most prolonged processing times. The previously quoted HEI Staff Survey Respondent offered a potential solution to this issue asserting that HEIs "should provisionally admit students if they have references from prison teachers, governors etc to vouch for them". However, the interview data would indicate that this is already the case in at least one HEI as Participant 2 asserts that "a student can register with a conviction for a course that requires a placement, they can start, and they could be in the course" and "can continue going to classes and everything" while their Garda Vetting is being completed. This practice is generally beneficial, but it can depend on the student's circumstances. As supported by this data, many PWC students enter programmes in the social sciences and/or community work areas, broadly defined, and some have contact with their programme facilitators or lecturers and have disclosed informally in advance. Therefore, their criminal records may well be known to the HEI Staff and commencing the course carries no prospect of later denial. However, for PWC students without links and/or advice from HEI Staff, commencing may lead to scenarios whereby they are not allowed to continue if their conviction(s) carry disqualifications and/or no realistic prospect of being accepted on a mandatory placement to complete their programme.

There are examples in the data in which PWC students have issues with their Garda Vetting for various reasons including pending charges, upcoming court dates or incomplete documentation. Outcomes presented by our participants included PWC students pausing their studies and 'going off books' while they sought to 'get past this hurdle' (Participant 2, HEI). While this facility of pausing the programme without losing one's place is welcome, this can also represent another barrier to accessing HE. In many cases, PWCs require great resilience and multiple intersecting factors to positively align to apply and commence an academic programme. Should this be paused for any reason including going 'off books' to deal with a delayed or problematic Garda Vetting Disclosure, their resilience is further strained, and those aligned factors may drift beyond immediate recovery. HEI Participant 2 noted that 'generally when students go off books, a lot of them don't come back for all sorts of reasons, but that might be one of them'.

The procedural fairness in Garda Vetting is a concern for PWCs but a HEI Interview Participant categorically refuted any such assertions, including the previously discussed potential additional data shared in a Garda Disclosure.

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7   Though "not an exhaustive list" (online, n.d.), there are 316 listed programmes for 2025 entry on the **CAO website** which include those requiring a placement component for qualification.

> They (PWC) were applying and they needed Garda Vetting, our opinion would just be, "right, we'll just have to Garda Vet them and see what, see what happens". There's no, they know that they wouldn't need to contact us to say, "here's a warning" because we wouldn't, it wouldn't make any difference to our process. We couldn't treat them any differently and wouldn't. They would just go through the same process as everyone else. **(P2)**

However, further contributions alluded to the nature of this "discretionary note" adding that "it seems to be at the individual Guard's discretion. Literally, you know whether they think we should know it or not" (Participant 11, HEI).

The contribution from PWC Participant 19 below encapsulates the multiple intersecting experiences of the Garda Vetting process, results, limitations and the associated distress while providing insight into the benefits of additional opportunities for PWCs to engage in more inclusive interactive approaches to HE admissions beyond Garda Vetting.

> I suppose the biggest thing is just, is the Garda vetting all the way for me and it's always going to be. And it's horrible like, it is horrible and there's just always a fear of waiting, […] constantly checking, where is it now? Where's it? And you know, where is it now?" Waiting for your answer. […] It seems to be that most of the time you're just point blank refused and anytime I have been given the opportunity like my first placement and like with the college, once I'm given an opportunity to speak to somebody, I get through it. But if I'm not given that opportunity, they have me down as "ohh him. Why take him when I have someone that has no Garda Vetting?" Do you know what I mean? It's like they're not taking the risk type of thing, but like what is the risk?
> **(Participant 19, PWC)**

4.5 Judgement/Stigma

Stigma endures and remains a feature of life and education for PWCs. Goffman (1963: 3) defines stigma as 'an attribute that is deeply discrediting'. As reported in the complementary research on employment for PWCs, stigma was characterised as profound, and something that cannot be switched off. It is persistent and demands high levels of resilience to cope and adapt but it is not always effective.

The anxiety generated by entering the HEI environment is profound for PWCs. The fear of being judged loomed large for all PWC Participants despite diverse pathways and trajectories. Some expressed their faith in the ethos and missions of HEIs as sites of progressive learning and enlightenment while others feared judgement and shared negative experiences in HEIs. Those PWC Participants who expressed feelings of judgement in HEIs specified the quoted prescriptions of 1) moral character; 2) denial of long-term desistance; and 3) the intractability of reintegration of those with sexual offences.

7. "Criminals are viewed as bad people. Not people who made mistakes!!" **(PWC Survey Participant)**.

8. "Still being judged on a mistake made when I was 20 which is 22 years ago" **(PWC Survey Participant)**.

9. "My conviction is for a sexual offence. There is a very real, almost tangible animus towards this. It's a hopeless situation" **(PWC Survey Participant)**.

Some PWC Participants shared the specifics of their anxieties about the burden of their past and the pressure stemming from a belief that people in society, the institution and/or the HEI community never entirely accept their post-conviction identities. PWC Participant 23 articulated it passionately as follows:

> It takes half a sentence for people to go "Ah there we go, I told you". So, it's huge pressure on the likes of me to stay [on the] straight and narrow, you know? Because everyone's expecting it, everyone. It doesn't matter how many years go by. […] "Well, he has a past and we knew at some stage he'd fuck up" […]

4.6 Isolation/Belonging and Social Class in HEI Demographics

Many participants felt that social class played a significant role in their initial reluctance to apply for HE and their sense of belonging upon arrival. The policies and procedures of a given HEI may exacerbate these feelings and perpetuate the fear of judgement. However, even when HEI staff are welcoming, the chilling effect of a social environment where status and social inequalities remain profoundly impacted applications, processes, and integration for PWCs. Thus, the chilling effect of policies and procedures is compounded. As discussed in Section 4.1, HEI Staff Participants working in more prestigious HEIs recognised that the demographics of their student body reduced the perceived relevance of active policies and procedures concerning PWCs as they were not regularly encountered. According to Participant 2 (HEI), "It's obviously the type of institution it is, we do have a very high calibre of students. We don't get as many mature students in as we'd like to" and further noted that the demographics of the HEI did not heavily feature "the socio-economic factors that go with people who tend to have convictions". The clear disparity in the socio-economic status of various HEI study bodies means that while some HEI Admissions Staff encounter applicants with diverse and sometimes criminal records containing serious offences, others have "never seen anything come back with a severe offence on it" (Participant 2, HEI Staff).

PWC Participants were keenly aware of the role of social class in their experiences in applying for HEIs and belonging if accepted. HEIs can be characterised as "middle-class institutions" that are "design[ed] towards the kinda person from a middle-class background" which can undermine a PWC's sense of self and belonging as "culturally, it can be hard to be fully authentic" (PWC Participant 6). Further stigmatisation and isolation may stem from a kind of "disdain for […] people from working class backgrounds who might have had aspects of criminality in their life" and "a lack of understanding of what that is like" (PWC Participant 6).

Encapsulating their abstraction from the prospect of university prior to recommencing their educational journey at Level 5, PWC Participant 5 stated, "I never thought university, […]. Me? University? Never […] even thought of going to university" before sharing their struggles integrating into the HEI community as follows.

> Even when I was in my first year in [named HEI], I still had that like 'inferiority complex' where I'd walk around there going, 'I shouldn't be here'. Like this is myself, 'I shouldn't be here. Everyone else should be here, but I shouldn't be here.

Such isolation and lack of a sense of belonging is disheartening and reflects recent work by Meaney (2019), and it may not necessarily be alleviated. Thankfully, this Participant "settled" and went on to look "at everyone else and I was going, 'I should be definitely here'".

PWC Interview Participant 6 effectively articulated their interpretation of this issue examining the role of their "class background" as follows:

> It's obviously going to be predominantly people in working class backgrounds of socio-economic groups that have committed crimes due to the environment and poverty and other stuff. Lack of opportunities, I suppose, to engage in legitimate means to get social assets that the general population have or whatever. So, you know it's impeding us.

These sentiments were shared by PWC Participant 5 who noted that for young people from socio-economically and otherwise marginalised backgrounds, "when it comes to university, […] know what university is like out there. That's only for the real [named wealthy suburb] posh…not for a person from a disadvantaged area at all." While such feelings of stigmatisation and isolation within the HEI community are not exclusive to PWCs, the literature demonstrates the intersectional experiences of PWCs and multiple marginalised communities (Meaney, 2019; Brooks, 2023). The intersection of class and criminal justice histories was aptly articulated by PWC Participant 1 by sharing that they frequently grappled with wondering what is the "thing that holds you back", posing the question, "Is your class rather than your criminal convictions?".

4.7   'The Chilling Effect' and Narrowed Opportunities

The barriers and challenges encountered by PWCs in applying for and navigating HE are considerable. The resilience required to do so is often very high. It is argued here that this should not be a prerequisite to attending HEIs and the access should be more accessible and inclusive. Though impossible to quantify, this is brought into sharp relief by the concept of the 'chilling effect' whereby prospective students with convictions are deterred from applying and/or pursuing HE altogether in part, at least, by the onerousness of the admissions processes. PWC Participant 23 offered evidence analogous to that of the researchers' anecdotal experience from engaging in this field for several years.

> I have a lot of friends with convictions that wouldn't come to college because they're victimised because they're […] seen as their past. "You're not gonna change. You're not gonna change". And I've a load of friends that […] started off in the full course and went to a part-time for financial reasons because of mortgage and stuff. But they all got their honours degree […]. People with convictions. And I'm so proud of them you know? **(Participant 23, PWC)**

As discussed in previous sections and Section 2, HEIs are both environments that offer transformative opportunities for intellectual and personal growth while also representing symbols of prestige and inequality for significant portions of our community. Addressing the pathways to HE for PWCs requires a shift in mind and policy to remove barriers such

as these perceptions and their manifestations in knowingly deterring PWC applicants. When discussing the likely deterrent or 'chilling effect' of policies that require disclosure beyond Garda Vetting, HEI Staff Participant 15 confided, "It's difficult to actually say that to somebody. It's difficult…to recognise that and accept it, but I'd have to accept it. […] It's unfortunate, but it is the case, yes."

Applying for HEIs and being accepted is not the end of the precarity and distress for PWCs as their chosen programme may present further barriers post-admission and post-qualification. Having a conviction narrows PWCs' opportunities as they navigate "courses that you will not graduate from without a placement" (Participant 2, HEI). PWC Participants felt that they could be "pigeon-holed" (Participant 10, PWC) and expected to apply to certain programmes or subjects, often community and/or social science-based while feeling restricted from others. A common feature of those desisting from crime is to develop 'redemptive scripts' (Maruna, 2001) that may include activities that 'give back' to the community and benefit from using their experience to do so. Likewise, PWCs may find that their experience of the criminal justice system and the associated challenges that they have overcome are their most valuable or marketable resource and this shapes their choice of HEI Programmes. However, the danger is that PWCs are formally and/or informally deterred from programmes other than these by HEI policies and practices and societal stigmatisation.

The need for a sense of belonging and non-judgemental environments has been discussed in Sections 4.5 and 4.6 but remains relevant here as their absence contracts rather than broadens the PWCs' horizons in HEIs as articulated by HEI Participant 12.

> The reason that students, particularly from very marginalised backgrounds, predominantly do a very narrow programme of study is because they will go only to the departments wherever they feel safest, and that means they will predominantly go to social studies, [education, adult education][8] but that's because we're changing […] the cultures in those places, too. So traditionally, those students have stayed within a very restricted programme of study.

The struggle to continue a programme in a discipline for which the student has a passion is compounded by the potential limitations of their employment opportunities afterwards as expressed by this PWC student.

> What is the point of me going and spending three or four years doing a degree or even longer, […] if you've done something further and then to be just hit with a brick wall?
>
> Like if I'm gonna go on and do psychology, what's the point? I'm not gonna get a job in HSE, […] It's gonna be hard for me to get a job as a psychologist. So, my worry is like, when I'm finished the degree.
> **(Participant 3, PWC)**

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8   Specific department names omitted to maintain anonymity.

The hypothetical guidance offered by PWC Participant 9 to another prospective PWC student is revealing.

> "Where do you see yourself in 10 years time?" Well, 'Social Work'. You're not going to do [that], "Oh I'm gonna go", "no you're not because you've serious fucking convictions".

While some programmes will always be bound to state-mandated Garda Vetting, more needs to be done to address PWCs' opportunities to navigate these beyond what might be considered 'safe' programmes or departments. Many other programmes remain beyond the perceived horizons of PWCs for prescriptive or pejorative reasons according to our data.

4.8 Supports and Promising Practice

Inclusive policies and practices have developed at pace in recent years across the HEI Sector. Supported by high-level policy documents such as the National Access Plan 2022-2028, HEIs have made great strides in broadening access to HE. There are existing supports available and evidence of promising practice across HEIs, Further Education Institutions, and other agencies including those in the criminal justice sector. Staff in some Access Offices as well as academic and administrative staff across several HEI Schools/ Departments are portrayed as making significant efforts to support PWCs through their application processes and thereafter.

A HEI Survey Respondent succinctly expressed their core approach to this issue stating, "PWCs should be afforded an opportunity to turn their lives around" adding "We have had successful programmes in our HEI which have allowed opportunities for people to change direction and turn their backs on a life of crime". The participants across the dataset provided consistent examples of staff demonstrating approaches underpinned by sentiments such as, "I'm interested in what they need from us as an academic institution to support them" (Participant 12, HEI Staff). Reciprocating this, PWC Participant 19 welcomed a "bit more understanding" of PWCs' experiences and potential.

Such sentiments were commonplace in the data and reflected the goodwill and inclusive ethos of many across the HEI Sector. However, it is reasonable to argue that those engaged in work related to this topic are potentially more inclusive in their outlook and there remains a significant cohort of HEI Staff who have never considered this issue and/or may not share this outlook. Training or "credible guidance" (HEI Survey Respondent) for those working and studying in HEIs was suggested as a pathway to enhance integration and increase a sense of belonging for PWCs. A HEI Survey Respondent drew parallels with other marginalised groups as follows.

> Like with all persons with a different background, education is key, and it would be helpful if we could have some training with regard to supporting both a person with a criminal background and those either working or studying with them in order that they feel included and supported and understood.

The case for training is further supported by the previous discussion on the prominence of risk-based approaches to applicants with conviction(s). As elaborated in the Recommendations Section, we advocate for systematically harnessing such efforts through inclusive policies and practices for PWCs.

The suggestion of a "promotional campaign" to publicise the inclusive policies and supports available for PWCs at HEIs was supported by the contention that "if there's assistance at [named specific HEI]", then "I've never heard about it" (Participant 1, PWC). This sentiment was echoed by PWC Participant 3, emphatically advising HEIs that support PWCs that "yous need to go in and then scream like 'come on like, […] you can come, it doesn't matter like if you have a criminal background or whatever like, you can go for education just like anyone else'". PWC Participant 6 supported this concept by highlighting the need to emphasise that criminal convictions will not hinder applicants, and that "key professionals" could "educate people on what's available to them and what's not going to impede them".

There are well-developed structures to support students generally as noted by HEI Participant 13 describing their institution's "extensive kind of student wellbeing programme and supports in place". Many of these frameworks are appropriate for PWCs and often the additional requirements relating to PWCs are relatively minimal. Thus, the supports that benefit PWC students are not simply related to "the criminal thing" (PWC Participant 3) but to the intersecting issues that many students face including learning differences and academic support. The previously discussed demographics of PWCs present a cohort characterised by overlapping challenges across variables including socio-economic, housing, and mental health, but also low educational attainment and academic challenges (O'Mahony, 1997; Healy, 2017). However, some HEIs provide support in practice as PWC Participant 3 shared that "they're still helping me with it and they're giving me all these supports and learning tools". Advocating for recognition of the intersecting challenges and suitable support, PWC Participant 7 contends that "everything that's afforded to access students I think should be certainly offered to them". Furthermore, the same Participant addressed the more acute needs of those "currently incarcerated" including clear issues such as "Internet access" but the value of "someone to go and visit on sort of assess what they need". As discussed in Section 2, existing opportunities are available in certain HEIs through initiatives such as the Mountjoy Prison Maynooth University Partnership. Having "some kind of outreach" for people in prison including a "liaison with a department" that may be "subject specific" was posited as further support by PWC Participant 7. Peer-led approaches offer opportunities at "de-mystifying" HEI admissions and studies according to PWC Participant 9 where "one-to-one" support can help people "get over it" making it "easier" by "taking some of the fear" and "sting out of it".

The vocational and exemplary work of education and related services are highlighted including the approachability and lengths that staff are willing to go to support PWCs. Some participants asserted their experiences of certain HEIs as possessing an "ethos about empowering marginalised people" (Participant 24, PWC). HEI Staff mirrored this by calling for the creation of a "culture of kindness, care, security and an awareness and knowledge that we are actually basing our information on evidence" (Participant 12). Specific examples were frequent as exemplified by simple but meaningful accounts of support through Garda Vetting shared by PWC Participant 19, "the minute I went to the tutor, I called her out and they just, they supported me the whole way like, they really did". However, the inconsistency of such efforts was noted by PWC Participant 9 stating "I didn't see that in other colleges" while PWC Participant 19 shared negative experiences in another HEI.

While noting the progress made in this area, PWC Participant 6 noted that some HEIs are more active and inclusive than others and PWCs at the early stages of their desistance journey are perhaps not as supported as those further along, stating "I don't see supports for those from, you know, that might have past criminal convictions and are […] at an early stage" (PWC Participant 6). HEI Participant 11 recognised the importance of being "fair" and "transparent" but that efforts to do so "sometimes […] come off as a bit mechanical or robotic". Dealing with "economies of scale" with "thousands" student applicants exacerbate this resulting in policies that are "not the softest" or "kindest" (Participant 11, HEI). Remedying this includes holistic approaches such as activating "emotional empathy" and practical solutions such as developing "messaging about if you do have a conviction, here's what will happen" (Participant 11, HEI).

HEI Staff and PWCs pointed to the need for frameworks of practice and ringfenced finances for HEIs to implement inclusive policies and resources to provide support for staff and students in this space. Pointing to the Public Sector Duty, PWC Participant 6 asserted the need for legislation to include a criminal record as a ground for discrimination (as recommended in the authors' recent work on employment for PWCs so not duplicated here) (Garrihy and Bracken-Roche, 2024a).

5. Conclusion

This research provides the evidence base to identify barriers, supports, and opportunities in the HE Sector for PWCs. Intersectional barriers persist and, within HEIs, there are problematic patterns of risk-based barriers for PWCs which correlate with persistent stigmatisation and isolation for students with convictions.

In recognising "students who have experience of the criminal justice system" in the criteria of the first of three 'Priority Groups', the National Access Plan 2022-2028 supports our contention that the time for action is now. The empirical evidence presented here offers the basis to develop a holistic framework for informed, fair, and inclusive policies and practices in HEIs nationwide.

There are cases of excellent work and initiatives to support PWCs across HEIs, Further Education Institutions, and other agencies including some in the criminal justice sector. Some Access Office staff, academic, and administrative staff across multiple HEI Schools/ Departments are noted as going above and beyond to support PWCs before, during, and after their application processes, and throughout their programmes.

The Recommendations Section offers "credible guidance" (HEI Survey Respondent) by presenting clear steps to achieve effective progress by harnessing and systematising existing or novel inclusive policies and practices. We argue for a shift from risk focused policies and practices that lack an evidence base to empirically supported approaches that recognise the value of inclusivity and diversity of HEI communities where PWCs are welcomed, integrated, and supported.

Recommendations (Elaborated)

Evidence-based approaches to policy and practice

The basis of good policy is credible evidence. This study has presented the first analysis of risk-based approaches to admissions policies and practices in Irish HEIs while bringing the international literature to bear on this empirical data from Ireland. HEIs should rely on credible evidence base when designing and implementing fair and inclusive policies and practices. These recommendations are grounded in the findings of this study and supported by the existing literature. The recommendations offer a basis of support for a national strategy to support PWCs before and during Higher Education in addition to and advancing their inclusion in the National Access Plan 2022-2028.

1.   HEIs should adopt the Principles for Fair Admissions (available in Appendix 2)

The principles (see Appendix 2) were developed in collaboration with the Unlocking Potential Advisory Board and drawing on the work of Unlock UK,[9] and are designed to help providers establish fair and inclusive policies for applicants with criminal records. The findings of this study provide clear support for their adoption and the flexibility allows diverse HEIs to develop appropriate policies and practices bespoke for their institution based on these clear principles. The principles include but are not limited to an appreciative understanding of applicants with a criminal record; having a clear, consistent, and accessible policy; and engaging and supporting applicants with criminal convictions.

2.   Adopt progressive policy (template available in Appendix 1)

The "credible guidance" sought by HEI staff is presented across the report and these recommendations. To support HEI Staff in their efforts, the admissions policy template regarding PWCs (available in Appendix 1) provides a clear and comprehensive policy that represents best practice while remaining malleable for various HEI frameworks.

3.   Seek disclosures of conviction only when necessary and relevant

As elaborated in Section 4, disclosure of convictions should only be requested when absolutely necessary. Applicants to Non-Garda Vetted Programmes should only be asked to disclose their criminal record if they are currently subject to any licence condition or monitoring restriction that could affect their ability to successfully complete their studies. Where Garda Vetting applies, HEIs must be transparent, communicative and fair in the process including evaluating the relevance of the information contained in a Vetting Disclosure, if any.

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9   UK fair Admissions Toolkit. (2019) Available at: https://recruit.unlock.org.uk/wpcontent/uploads/FairAdmissionsToolkit.pdf

4.   Training for staff on EDI to include PWC

Provide EDI training for staff which includes information on working with and appreciation of PWCs and the barriers that they face. Some HEI staff are very familiar with these, but many are understandably not. Training is required to allow diverse roles across the HEIs to fulfil their duties fairly and transparently while best welcoming and supporting the needs of PWCs.

5.   Comply with GDPR and Privacy Law

HEIs must ensure compliance with GDPR and relevant privacy law regarding data relating to convictions. An inclusive interpretation of GDPR that appreciates the context of PWCs will comply rigorously with Article 5 (need for purpose limitation and data minimisation when collecting people's personal data) and Article 6 (requirement to satisfy one of six legal bases to process criminal convictions data). Careful implementation will support practices that adhere to this across the multiple potential sites of disclosure across the HEI Sector and throughout the PWCs student's educational pathway.

6.   HEIs should adopt inclusive admissions practices beyond written applications

HEIs should adopt inclusive admissions practices beyond written applications to allow PWCs to engage with HEI admissions and other staff before and during application processes. PWCs often have non-linear academic and lived experiences including periods of instability and potentially periods of imprisonment. These lived experiences often present a barrier when solely considered in paper application forms but interpersonal by engaging in an interview or meeting the PWC in person is a key factor in appreciating the PWC applicant now, rather than remaining burdened by their past experiences.

7.   HEIs should promote inclusive admissions of PWCs and audit existing communications to reflect clear messaging welcoming PWC

HEIs should adopt clear messaging across their websites, publications and outreach can clarify the requirements of disclosure or that there are none. The supports available in applying and when enrolled in the programme can be outlined including scholarships, financial, academic and pastoral support with particular attention to PWCs context in the same ways that it is done for other marginalised groups. A publicity campaign would disseminate this message beyond the confines of HEI literature and enhance public discourse and awareness while promoting a fairer and more inclusive society.

8.   Roll out the Kickstart Scholarship nationwide

The KickStart Scholarship Fund was established in 2022 by the Probation Service, and supported by the Irish Prison Service, to support persons with a criminal justice history who are experiencing socio-economic disadvantage to access HE. The scholarship is now in its third year and has supported several students across the MEND HEI Cluster.[10]

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10   The MEND Cluster comprises Maynooth University, Dublin City University, Dundalk Institute of Technology and Technological University of the Shannon Midlands Midwest, Athlone.

Financial support for PWCs is fundamental to address the intersecting challenges faced by this cohort. Expanding this existing and successful programme across all HEIs offers a feasible and concrete step to increase the engagement and likelihood of positive educational and life outcomes for this marginalised cohort. We welcome and endorse the inclusion of this in the new Department of Justice "Building Pathways Together: Criminal Justice Reintegration Through Employment Strategy 2025-2027".

9.   Develop peer-led approaches to support PWCs

Develop peer-led approaches at an institutional level and establish a national HEI peer network to support PWCs and share learning across the network. The provision of support and the development of a sense of belonging for PWCs across HEIs will be significantly enhanced by their establishment. Therein, PWCs can shape the pathways of incoming and/or existing students with experience of the criminal justice system locally and nationally. By providing one-to-one or group sessions but also co-creating the key aims and practice of the programmes, PWCs will have a meaningful role in the HEI framework development.

10.   Develop data gathering practices to measure educational pathways, progress and attainment among PWCs to provide comprehensive supports

HEIs should work collaboratively to develop data gathering practices to measure educational pathways, progress and attainment among PWCs. Doing so would facilitate the provision comprehensive supports in this marginalised and hard to reach cohort. Moreover, this would address a priority stated in the National Access Plan 2022-2028 (HEA, 2022: 81) to "collect more reliable data on higher education students who have experience of the criminal justice system".

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Appendices

Appendix 1:
Policy Statement on Applicants with Criminal Convictions

PLEASE NOTE THAT THE CONTENTS OF THIS TEMPLATE DO NOT CONSTITUTE LEGAL ADVICE, ARE NOT INTENDED TO BE A SUBSTITUTE FOR LEGAL ADVICE AND SHOULD NOT BE RELIED UPON AS SUCH.

Convictions Policy and Process

Policy Statement on Applicants with Criminal Convictions

1. This policy covers admissions only. Separate policies may be in place for other aspects of life and study at [insert name of University/Institute of Technology here] (the "University"/"Institute") such as (but not limited to) residences/accommodation, volunteering, representing and working for the University/Institute.

2. The University/Institute actively promotes equity of access and is keen to encourage a diverse student population with a wide range of talents, backgrounds and experiences. This includes prisoners, former prisoners and persons with convictions who are identified as an access target group. The University/Institute accepts that there is a robust, evidence-based criminal justice system and that it is the role and responsibility of the criminal justice system to determine an individual's suitability for integration within wider society. Having a criminal conviction is not an automatic bar to enrolling on a programme of study at the University/Institute.

3. As part of the admissions process, the University/Institute will only require information on criminal convictions as follows:

    a) **Garda Vetted Programmes**

Garda Vetted programmes are programmes where vetting is conducted in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 and 2016 (the 'Act'), in respect of any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children and/or vulnerable persons. The Acts can be viewed at **http://www.irishstatutebook.ie/ eli/2012/act/47/enacted/en/html**.

The University/Institute uses the Garda Central Vetting Unit (GCVU) vetting service to assess the suitability of such applicants, and in some cases, may also require applicants to provide an enhanced disclosure by the completion of an affidavit. Therefore, offers on these programmes are conditional and could subsequently be withdrawn if applicants do not meet the Garda Vetting requirements of the University/Institute. These programmes include teaching, social work, community work and youth work. A full list of the University/Institute academic programmes requiring Garda Vetting is contained in Appendix 1 of this policy.

b) Non-Garda Vetted Programmes

Applicants to Non-Garda Vetted Programmes will only be required to disclose their criminal record if they are currently subject to any licence condition or monitoring restriction that could affect their ability to successfully complete their studies. For example, restrictions on computer use or internet access would prevent a student from being able to successfully complete a computer science degree. In all cases where information is disclosed an assessment will be undertaken to include risk and potential accommodations and supports that the University/Institute may provide. In the majority of cases, applicants with a criminal record will not be subject to any restrictions and in those circumstances, applicants do not need to disclose. The types of licence conditions and/or monitoring restrictions that require disclosure will be outlined on each of the course information pages as they will be individual to a specific programme of study. Details of information that applicants are required to declare and how to do this will be clearly communicated. Further information and advice can be requested from the [insert name of relevant access office] at [insert email address of access office]. Where an applicant is subject to safeguards and/or restrictions and/or licence conditions that will in practice prevent study at the University/Institute, offers already made will be withdrawn or places will be terminated as appropriate.

4. In the event that an applicant fails to declare information as required, the University/Institute reserves the right to refuse to admit an applicant or cancel the registration of a person admitted. If an applicant has already registered on a programme of study this will be dealt with under the terms outlined in the [insert relevant disciplinary regulations].

5. Whilst an overall programme may not require disclosure of a conviction, there may be optional modules or placements which, if chosen, require an applicant to disclose convictions. This is where the optional module involves contact with children and/or vulnerable persons and/or where an applicant is subject to any licence condition or monitoring restriction that could affect their ability to successfully complete that module. Where an applicant is prohibited from taking an optional module or placement, they will be required to select from the other options available to ensure that a programme of study can be successfully completed.

6. The University/Institute reserves the right to offer deferred entry to applicants where appropriate adjustments can be made to support study, but where there is not sufficient time to put in place agreed adjustments for the next programme intake.

7. Information on convictions will be disclosed only to those members of staff who need to know in order to make the relevant admissions or programme decision and will be held in line with the University's/Institute's Data Protection and Data Retention Policy. Where possible, details that could identify the applicant, such as name, will be excluded unless it is necessary to know the identity of the applicant in order to make the decision.

Process for Applicants with Criminal Convictions

8. The University/Institute process for applicants with criminal convictions is as follows:

a) Garda Vetted Programmes

Applicants who have been provisionally offered and have accepted a place on a relevant academic programme are sent a Vetting Invitation Form (NVB1) (with instructions and guidelines on how to complete the form) by the relevant academic department at the University. The stages that are involved in the eVetting process are described in the University's/Institute's Student Vetting Procedures [insert relevant link here]

Any issues raised by the vetting application will be dealt with according to the University's/Institute's Student Vetting Procedures [insert relevant link here]

b) Non-Garda Vetted Programmes

All offers for non-regulated programmes are conditional upon disclosure of all unspent convictions as outlined in our policy (see paragraph 3).

Where a conviction is declared, this will be subject to [insert name of decision maker(s) or decision-making body] approving an applicant as suitable for study.

9. The University/Institute requests that any information on offences, or any disclosure documents, be sent under separate, confidential cover, to [insert relevant contact details here]. We assure applicants that this information will be only used for the purposes of processing their applications and will only be seen by those who need to consider it as part of our admissions process and that it will not be retained longer than is necessary for the purposes of admission. Applicants are also entitled to access their personal data and to have any inaccurate, incomplete or misleading data amended or erased. Applicants for undergraduate study should note that the information should be submitted as early as possible but no later than [insert relevant date here].

10. The University/Institute may require the applicant to provide information from other third parties who may have a view on the above matters. The parties may include probation officers and others who are professionally or personally involved in the rehabilitation of or familiar with the applicant.

11. Where a conviction has been disclosed to the University/Institute by an applicant in the admissions process, the conviction will be reviewed by [insert name of decision maker(s) or decision-making body].

[HEIs may wish to insert further details in this section as to the relevant process to be followed, including, where appropriate, the procedure for accepting submissions from the applicant and an appeals process]

12. Additional Information

Applicants should be aware that some professions will carry out criminal records checks on entry, for example, law and accountancy, which may impact on your professional options upon completing the programme of study. We recommend that applicants wishing to study courses with a view to a particular profession, undertake research into professional requirements and take this into account when considering your degree options and choices.

13. For further advice and guidance on the options and support available to you, please do not hesitate to contact at [insert email address of access office].

Appendix 1

University/Institute academic programmes requiring Vetting

(This list is subject to annual review)

Undergraduate Programmes:

XXXXXXXXXXXXXXXX

Postgraduate Programmes:

XXXXXXXXXXXXXXX

Other academic work:

XXXXXXXXXXXXXXX

Appendix 2:
Unlocking Potential: Principles for Fair Admissions

Unlocking Potential: Principles for Fair Admissions

These principles have been developed in collaboration with the Unlocking Potential Advisory Board and drawing on the work of Unlock UK[11], and are designed to help providers establish fair and inclusive policies for applicants with criminal records.

1.   An appreciative understanding of applicants with a criminal record

Most applicants with a criminal record will not be subject to ongoing monitoring by the criminal justice system. They will not be subject to any restrictions that will affect their ability to complete most courses. Where applicants are subject to monitoring – for example on a community sentence - HE providers should trust the system to do its job rather than try to replicate it.

2.   Focusing on supporting admissions

Admissions is about access to education – it must be identified if a criminal record would prevent an applicant from completing that course. Other elements of university life such as visa approval, accommodation, extra-curricular activities, and career advice may require different considerations and a distinct policy. Separating these will help identify if, and when, it is necessary to ask about criminal records in relation to admissions decisions.

3.   Distinguishing between courses where Garda vetting is necessary and those where it is not.

Define the categories of courses requiring Garda Vetting and obligations therein.

4.   Asking only when it is necessary

ICO guidance is clear that the collection of criminal records information must be necessary and proportionate. Asking an applicant about their criminal record should only be part of the admissions process if, and when, it is necessary. For most courses, it is not necessary to ask at any stage. HE providers should provide enough information to applicants, so they can assess for themselves whether their criminal record might prevent them from successfully completing a course.

Any admissions policy that collects criminal records data must be compliant with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Distinguishing between Garda Vetting and non-Garda Vetting courses makes clear if, when and what needs to be asked. For Garda Vetting courses this may be pre-enrolment, or at a later stage. For non- Garda Vetting courses, HE providers should consider if and when to ask targeted questions or encourage voluntary disclosure. In all cases, a policy should set out why this information is collected and how it is handled.

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11   UK fair Admissions Toolkit. (2019) Available at: https://recruit.unlock.org.uk/wpcontent/uploads/FairAdmissionsToolkit.pdf

5.   Clear and consistent assessments for courses requiring Garda Vetting

Your policy should inform your decision-making; avoid blanket bans, treat any information disclosed to you as confidential and only share it with specific colleagues if necessary. Written information, whether official or provided by an individual, is difficult to put into context. Where you have concerns about an applicant's criminal record, arrange a face-to-face discussion. For Garda Vetting courses, HE providers should be transparent about the suitability assessment: who is involved, who has authority, what evidence, tools and training are applied and the appeal process. As far as possible the process should Involve the applicant, in person.

For mandatory Garda Vetting courses, the 'fitness to practice' process should be closely linked to the profession and recognise discrepancies between risk threshold at the university and in the profession. This should include review processes to ensure consistency of decision-making and to incorporate changes – for example, greater recognition of the value of lived experience in social and youth work.

6.   Having a clear, consistent, and accessible policy

If you are collecting criminal records data - even for mandatory Garda Vetting courses - you must have an appropriate policy in place under the GDPR, to meet the principles of lawfulness, transparency and fairness. Your approach should be consistent across undergraduate and postgraduate admissions and apply equally to UCAS and direct entry routes. Encouraging language, data showing numbers taken on and anonymised case studies all provide reassurance that the policy is more than lip service to widening participation.

7.   Engaging and supporting applicants with criminal convictions

Applicants with criminal records are most often drawn from other under-represented groups. Staff providing financial, pastoral, healthcare, careers, and other advice to students should be aware of any specific advice or support that could benefit students with criminal records. Access to support should be available throughout their studies and not be contingent on disclosure. Students should be made aware that they can confidentially disclose (and who to) and relevant staff should be trained in managing disclosure.

8.   Talk positively and reach out

Applicants with criminal records should be seen as a resource rather than a burden – diversity of experience provides learning opportunities for all, and applicants with convictions are disproportionately drawn from more commonly identified WP groups – care leavers, some ethnic groups and first in the family. HE providers are understandably concerned about negative press. A positive, evidence-based response can help manage these concerns.