

Access to higher education for people with criminal records

Introduction

Unlock is a national independent advocacy charity that supports, speaks up and campaigns for people facing stigma, prejudice and discrimination because of their criminal record.

Our mission is to advocate for people with criminal records to be able to move on positively in their lives. We:

- Support people with criminal records to navigate their way through challenging times
- Research and raise awareness of the systemic issues that people are facing
- Campaign for changes to legislation, policies and practices of government, employers and others.

We operate a helpline that offers specialist criminal records advice. This briefing sets out an analysis of queries to the helpline relating to higher education received over a 12 month period. It summarises some of the key problems people face, and suggests how a change of policy or practice could have a positive impact.

Our helpline offers advice that is not contingent on someone disclosing their personal details to us. So we can only interpret themes drawn from what a helpline user chooses to share with us. We will not, for example, know the age of every person who gets in touch, or the type of criminal record they received.

Unlock is a small charity with limited resources. We therefore do not have capacity to provide advice to everyone who might need it. Many of those who might benefit from our advice may not be aware of our service. Generally, we believe it's fair to assume that if a particular issue is referenced regularly on the helpline, this is indicative of a wider problem.

Background

People with criminal records can face stigma and discrimination in all aspects of their lives. For example when seeking employment, financial services or housing. One area of particular challenge is access to higher education. These records provide a snapshot of some of the barriers to higher education faced by people on a daily basis.

The queries in numbers

This data covers helpline records between 1st March 2022-1st March 2023 that were recorded as relating to access to higher education. Some records related to access to other kinds of education, which have not been included. 157 helpline records relating to higher education were evaluated.

Of the 157 queries, the following percentages set out how often certain issues were asked about. Note that some queries covered more than one issue.

Further issues were identified as being raised less than 5% of the time – they are not detailed below.

- 57% wanted to know what they were being asked to disclose
- 44% were anticipating barriers to accessing education, but were unsure what these might be
- 44% of queries related to access to regulated courses. We broke those into:
 - 18% Nursing (including mental health nursing)
 - 13% other medicine
 - 13% Work with young people (teaching, youth work & social work)
- 10% were looking for support in relation to a conviction panel
- 9% reported being given incorrect advice on filtered (protected) convictions
- 8% had received their criminal record under the age of 18
- 6% were concerned about interactions with statutory services that had not led to a criminal record (for example, I spoke to police after an incident I wasn't involved in/ I witnessed. Do I need to disclose this?)

Issues

Unclear or confusing questions

A large proportion of records indicated that the questions asked by higher education providers about criminal records are unclear. People contacted us for further guidance on a question they were being asked. Many who contacted us felt nervous that they would answer the question incorrectly or incompletely.

Lack of guidance or direct resources for people with criminal records

Many people who contacted us were worried that they would not be able to participate in higher education. They sensed that their criminal record would play a role in their application to study. However, they could not determine whether this was the case, and if so, how.

A large proportion of those who contacted us were unsure whether their particular criminal record would pose a barrier to accessing a regulated course. They were unable to find clear information about how their record might affect their studies for specific subjects.

Criminal records received a long time ago posing barriers now

On average (of those who provided these details), it had been 13 years since a person received their criminal record. These records were a source of continuing concern and difficulty.

Criminal records received in youth

8% of the records related to criminal records which were received under the age of 18. Most of these helpline users had been informed by statutory services that their criminal record wouldn't follow them into adulthood. They were disheartened to learn that a record from their teen years was going to restrict their access to higher education as an adult.

Lack of transparency in decision-making processes

10% of the records were seeking support with convictions panels – before and after having attended one. People sought guidance on what this process would look like, how they should talk about their criminal record and what they might be expected to discuss.

Conclusion

This review suggests that a principle barrier to access to higher education for people with criminal records is the lack of relevant, direct guidance. People contacted our helpline for advice because they could not get this from the Universities themselves.

We know that without advice and information, those with criminal records can be discouraged from pursuing opportunities and exploring their full potential. We refer to this as the 'chilling effect' – whereby people self-select out of applying to higher education (or employment, volunteering) on the assumption that they will be treated poorly.

Applicants and students may already have experienced stigma and discrimination on the basis of their criminal record before pursuing higher education. We know that class, race, educational attainment and other factors play a role in who is most likely to receive a criminal record in the

UK. So it is possible that the challenge of a criminal record is just one of a number of intersecting challenges an applicant faces. It is therefore understandable that some choose to avoid the uncertainty, and possible distress, of application processes that are not explained clearly from the start.

The figures above also show that some higher education staff lack the requisite knowledge to be advising students with criminal records. Numerous students reported being told to disclose information concerning filtered convictions which they had a legal right to withhold.

Finally, this review illustrates the long-term impacts of criminal records. A majority of the calls were regarding records received a long time in the past, sometimes in childhood. It is concerning that criminal records from a very long time ago may be impacting people's ability to move forward now. The non-recent nature of most of the records illustrates that people seek new opportunities through higher education at all stages of their lives.

People with criminal records may be more likely to enter higher education later in life. This might be because interaction with the criminal justice system interrupted a planned career or was a catalyst for a person wishing to retrain. Mature learners (those who enter higher education at the age of 21 or over) are a recognised widening participation group. This is just one example of the ways in which a criminal record may intersect with other barriers to accessing higher education.

Recommendations

- Higher education providers should offer clear guidance for applicants and students with criminal records. The guidance should be course-specific and should explain if and how criminal records data will be collected, assessed and managed. This information should be publicly accessible alongside other pre-application information.
- Any processes relating to criminal records (such as convictions panels) should have clear terms and procedures. Information about these should be made available to anyone subject to them. This is especially important with regard to any appeals processes.
- All higher education staff who are advising students or making decisions regarding criminal records should be thoroughly trained. Where staff feel uncertain or have not been trained, they should know where to signpost people for expert advice (e.g to Unlock).
- All higher education providers should be aware of the potentially intersectional challenges faced by those with criminal records. From the review, it is evident that many people contacting us would sit at least within one recognised widening participation group (as mature students).

For more detailed information regarding best practice and recommendations visit our [Fair Study Toolkit](#)