

## S601 Student Disclosure of Criminal Convictions Procedures

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### CONTEXT AND AIMS

The procedure is intended to provide guidance to staff involved in the learner recruitment and enrolment process. Students should be advised before undertaking a course if it is felt that a criminal record is likely to significantly impact on their chances of gaining employment in their chosen field. The choice as to whether to undertake the course remains theirs as they may have objectives other than the gaining of employment in that particular field.

The procedures will give applicants with criminal convictions every opportunity to benefit from the courses the College offers, while maintaining the College's duty of care to do everything reasonable to provide a safe and secure environment for all its students, staff and visitors. It aims to ensure that applicants to College courses for which they are academically suited are successful unless:

- There is evidence of a real risk to the health, safety or welfare of others in the College community
- There is evidence of a risk to the property of the College, its staff, students or others associated with the College
- Their criminal record significantly limits their chance of success on their course
- A previous criminal record is likely to disbar them from some mandatory aspect of the course (e.g. work experience in Education programmes)

In meeting these aims the College will ensure that:

1. All applicants are asked to disclose criminal convictions and pending prosecutions, but not 'spent' convictions
2. Assessment of risk is undertaken in a sensitive, discreet and confidential way, taking into account the needs of all concerned
3. All records are kept securely and destroyed as soon as is practical
4. The College networks as appropriate with other agencies involved with the student to ensure a fair risk assessment and good support for the student if they undertake a course
5. The College meets all its legal obligations
6. The College plays an appropriate part in the rehabilitation of offenders

### IMPACT MEASURES

The Student Services Managers will record and monitor the outcomes and success rates of those disclosing a criminal conviction and report annually to the relevant Vice Principal. The report will include an Equality of Opportunities impact assessment.

Student Disclosure of Criminal Convictions			S601
Last review date	June 2014	Status	Operational
Next review date	June 2015	Postholder responsible:	Director of Curriculum Student Services and Support
Last EqIA date		Approval required from:	Policies Group

## **PROCEDURE FOR MANAGING APPLICATIONS AND ENROLMENTS FOR THOSE DISCLOSING A CRIMINAL CONVICTION**

### **1. APPLICATIONS - GENERAL**

- 1.1 All applicants (except those on programmes which do not involve attendance at the College) are asked on the application form if they have a criminal record. Where there is no application form the question is asked on the enrolment form or its equivalent.
- 1.2 If employed, non-attending applicants do tick the conviction box on the enrolment form it will be assumed that their employer has made the appropriate risk assessment and the College assessment will not be made.
- 1.3 Those answering 'yes' are asked to complete a supplementary form (DCC1) giving details. Where the course applied for involves working with children or vulnerable adults these should include 'spent' convictions.
- 1.4 The forms are screened by the Central Admissions Team (CAT), who makes an initial judgement about whether the conviction poses a risk to the College, based on the guidance in Appendix 1.
- 1.5 Where the criminal record is considered relevant it is passed to an assessment team for a risk assessment. The assessment team comprises of at least 2 members drawn from:

- Student Services Manager/Director of Curriculum Student services and Support

and the appropriate

- Curriculum Director, or
- Curriculum Manager

The team may get advice and information from other agencies involved with the applicant, or arrange for the student to be interviewed to collect further information or to clarify or confirm information. Normally the assessment team would meet within 5 working days of the application or enrolment form being received.

- 1.6 The risk assessment will be recorded on form DCC2, and the applicant informed of the outcome by the CAT. Three outcomes are possible:

- the application is accepted
- the application is accepted subject to conditions
- the application is rejected

- 1.7 The relevant Director or Curriculum Manager will inform any staff members who need to know if a student is admitted to the course with conditions for managing risk or who has particular support needs. Otherwise information on the criminal record is not passed on.
- 1.8 All DCC1/2 forms are kept securely in Student Registry and destroyed once the student has left the College.

### **2. DISCLOSURE BARRING SERVICE (DBS) CHECKS**

- 2.1 On certain courses criminal records can be a bar to successful completion of the course or to gaining employment in the vocational area. These issues must be addressed at the application stage.
- 2.2 For courses with mandatory elements which require students to have DBS checks, the interviewing tutor will outline the importance of this and the consequences of not

- disclosing any record, caution, reprimand or final warning no matter how minor, at this stage.
- 2.3 Applicants for these courses should be encouraged to apply for their checks as early as possible.
  - 2.4 The DBS report for students who are members of Easton & Otley College staff will be kept securely by the Human Resources Department. Students who are not staff members should supply the Admissions Office with a copy of the report which will be kept in a secure location with the DCC1/2 and destroyed within 3 months of the date from which the student completes their programme.
  - 2.5 If a student declares a criminal record or if a DBS check reveals a criminal record which is likely to cause the student to be unable to complete some mandatory element of the course, a place can not be offered. The student should be directed to Student Services for advice on other options.
  - 2.6 Where a criminal record is revealed which does not impact on the applicant's ability to complete the course, but which might affect their chances of gaining employment in the vocational area, this should be discussed with them and a record of the discussion kept on their file. It should also be pointed out where relevant that universities might refuse places on these grounds. A place can still be offered on the course if the admissions tutor is clear that the student understands the implications and still has valid reasons for doing the course (e.g. it represents a good general grounding for a number of career options or for admission to a range of university courses).

### **3. NON-DISCLOSURE OR CONVICTIONS RECEIVED WHILE ON-PROGRAMME**

- 3.1 Where it is revealed during a course that a student has not disclosed a criminal record, the tutor will, in consultation with the relevant Director or Curriculum Manager, consider appropriate disciplinary action, dependent on the severity and impact of the disclosure.
- 3.2 Where a student discloses a criminal conviction that has occurred during the programme, the risk assessment team will meet to make a judgment on appropriate action.
- 3.3 Tutors will be alerted to any particular support needs of students resulting from their criminal records and liaise with Student Services to ensure that these are met where practical.

### **4. RIGHT OF APPEAL**

- 4.1 An applicant who is unhappy with the outcome of this procedure can appeal to the Vice-Principal making clear the grounds for the appeal. If the Senior Designated Professional (for safeguarding) is a Vice Principal and has been involved in the risk assessment they cannot be involved in the appeals process. The appeal will pass to the Principal. Grounds for appeal against rejection fall into 2 categories:
  - a. That the information on which the decision was made is incorrect
  - b. That the level of risk identified by the assessment team leading to a rejection is not justified by the evidence

Grounds for appeal against conditions are:

- c. That they are not justified by the evidence
- 4.2 The appeal must be in writing and be made within 10 working days of the decision made on the application. The Vice-Principal will respond within a further 10 working days.

## DECLARATION OF CRIMINAL CONVICTION FORM (DCC1)

The details requested on this form are necessary for us to be able to assess your application for a course at Otley College and will be treated in the strictest confidence. We wish to provide every opportunity for you to access an appropriate course at the College, but we have to balance this with our legal duty to provide a safe, secure environment for all staff, students and visitors.

This information will be looked at by the Admissions Office in the first instance to decide if your criminal record is relevant to your application or enrolment. If it is not considered relevant the information contained in it will not prejudice your application, and the form will be destroyed when you leave. If it is considered relevant, the College will undertake a risk assessment, which will lead to one of the following decisions.

1. The application is accepted unconditionally
2. The application is accepted subject to conditions
3. The application is rejected

Name		
Course applied for		
Was the conviction box on the application form ticked in error, or are the convictions 'spent'? If 'Yes' do not complete the rest of this form, apart from the signature and date at the bottom.	Yes / No	
Please give us details of the offences for which you were convicted, including approximate dates, and any prosecutions you are currently facing.		
If you are applying for a course leading to work with children (under 18), vulnerable adults, social services, uniformed services or the health service, please also provide information on any spent convictions, cautions, reprimands or final warnings.		
If you are on parole or probation, or will be on release from prison, please provide the following details so that we can have your permission to discuss your case with your case officer.		
Case officer	Phone number/contact details	
Signature	Date	

## CRIMINAL CONVICTION RISK ASSESSMENT RECORD (DCC2)

Applicant		Course applied for	
Risk assessment team		Date of meeting	

Risk factors	Likelihood of risk having an impact (score 1 – 2)	Severity of risk (score 1 – 2)	Risk rating before controls (likelihood x severity)	Who is at risk? (e.g. other learners, especially children & vulnerable adults)	Controls and mitigating circumstances (e.g. the involvement of probation, parole or prison service, degree of supervision at College, involvement of other agencies)	Risk estimate taking controls and mitigation into account Significant = 2 – 4 Insignificant = 1
Threats to the health, safety or welfare of others						
Damage or theft relating to property						
Involvement of other learners in illegal activities						
Incapacity due to abuse of drugs or alcohol						
Mandatory requirements of course						
Nature of intended career						
<b>Overall risk estimate</b>						

Outcome of assessment		
Accept unconditionally <input type="checkbox"/>	Reasons for acceptance:	
Accept conditionally <input type="checkbox"/>	List conditions:	
Reject application <input type="checkbox"/>	Reasons for rejection:	
Support needed?	Support to be provided:	