

**DOCUMENT DETAILS**

Document Name:	Nottingham College HE Criminal Conviction Disclosure Policy			
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Document author	Claire Barton			
Document owner	Ruth Perry			
Applicability	Students	X	Staff	X
	Governors		Other	
Summary	This document outlines the college's approach to HE criminal conviction disclosure.			

DOCUMENT CONSULTATION & APPROVAL

Consultation person / body	Date passed
NA	

Approval body	Date approved
HEAB	Oct 23

IMPACT ASSESSMENT

A significant negative impact has been identified in the following area and a full impact assessment / risk assessment is available.

Equality & diversity	No
GDPR	No
Health & safety	No
Safeguarding	No

Friendly version of policy available	No
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POLICY CHANGES

Key updates	Impact	Section reference
Job title update.		



Nottingham College does not wish to deter applicants with a previous criminal record from taking advantage of the potential opportunities provided by Higher Education. In general, a criminal record should not be regarded as an obstacle to further study or employment and taking the opportunity to put the past behind them.

The College however, has a legal duty of care to reduce the risk of harm or injury and to reasonably ensure the safety and security of its community (students, staff and visitors).

As a condition of taking their place, applicants are required to disclose any relevant, unspent criminal convictions. For some courses (e.g. law, accountancy, early years, social work and teaching) applicants are required to disclose all convictions (whether spent or unspent) and/or cautions and to undergo a Disclosure and Barring Service (DBS) application (previously known as a Criminal Records Bureau (CRB) check), and any other necessary checks both before and after enrolling. The College will inform applicants if and when such checks are required.

Summary

1. All applicants:

We are required to ask if they have a ‘relevant’ unspent criminal conviction (as defined by the *Rehabilitation of Offenders Act 1974*). Please see the guidance notes below.

2. For applicants to ‘Regulated Courses’ (listed below) - associated with working with children or vulnerable adults:

We must ask if they have any previous convictions, whether spent or unspent.

Regulated courses offered by the College in academic year 2023-24 are:

- BA (Hons) Applied Education Studies
- Diploma in Education and Training
- Foundation Degree Early Years Studies
- Foundation Degree Sports Coaching
- Foundation Degree Supporting Teaching and Learning
- Higher National Certificate Social and Community Work
- Higher National Diploma Social and Community Work
- Higher National Certificate Public Services

The HE Criminal Conviction Disclosure Form is attached to this policy as Appendix 1.

What is a relevant criminal conviction?

Relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, binding over orders (or similar) involving any of the following:

- Violence of any kind - including (but not limited to) threatening behaviour, offences concerning an intention to harm or offences resulting in actual bodily harm.
- Sexual offences – including those listed in the *Sex Offences Act 2003*.
- Unlawful supply of controlled drugs or substances where the conviction involves commercial drug dealing or trafficking.
- Offences involving firearms.



- Offences involving arson.
- Offences involving terrorism – including those listed in the *Terrorism Act 2006*.

There are several offences which will normally be ignored as individual blemishes on an otherwise clear record - such as motoring offences, soft drug possession (not dealing), graffiti and minor 'teenage' skirmishes.

'Spent' convictions (as defined by the *Rehabilitation of Offenders Act 1974*) are not considered to be relevant and normally - do not need to be disclosed - unless you are applying for a 'Regulated' course (one associated with working with children or vulnerable adults).

What does 'spent' mean?

If a person does not re-offend during their rehabilitation period, the conviction becomes 'spent' (as defined by the *Rehabilitation of Offenders Act 1974*). Spent convictions are not considered to be relevant and – for most courses - should not be disclosed. The time it takes for a criminal record to become spent depends on the sentence received and the age of the individual at the point of conviction. Please note that certain offences (such as those with a sentence of 30 months or more) are never spent.

Convictions outside the United Kingdom

If an applicant has been convicted of a similar offence by a court outside the United Kingdom, and that conviction would not be considered as spent under the *Rehabilitation of Offenders Act 1974*, it should be treated as unspent and disclosed.

Convictions after application

If conviction for a relevant criminal offence occurs after applying, the College must be advised. Full details of the offence are not required at that stage; simply that there is now a relevant criminal conviction. We will then ask for further details later.

After disclosure

We will be obliged to consider whether any spent or unspent criminal convictions or related information are compatible with taking up a place or continuing the course.

The College may be under a duty to disclose information about you to professional, regulatory, or statutory bodies.

Possible action

After considering the information contained within a disclosure and carrying out a risk assessment - the College may:

1. Give approval to the applicant to continue with their application and/or enrolment.
2. Impose conditions and/or restrictions on a student's offer, admission, enrolment, or study to help manage any risks identified.
3. Refuse enrolment and/or to terminate a student's offer or contract.

Data Protection

The College will treat all information disclosed or provided under this Policy with respect and in accordance with its legal obligations for the fair and lawful processing of information.

HE Criminal Records Disclosure Procedure

As stated in the HE Criminal Records Disclosure Policy - applicants enrolling on all higher education courses are asked to disclose if they have any unspent criminal convictions or hearings pending.

Also, applicants will be made aware that for some courses (such as those leading to the 'caring professions'), all and any previous convictions may still be considered relevant (regardless of whether they have become spent). Appropriate information, advice and guidance will be given in relation to the screening procedure and the potential impact on work placements and / or future applications to employment.



Stage 1 - Application

As part of their application, the applicant will be asked to declare whether, or not, they have a criminal conviction.

If YES, an automated email will be sent by Admissions asking the applicant to complete a risk assessment. The Safeguarding Team will be informed of these applicants. The application will be placed 'On Hold' on EBS. An automatic reminder is sent to the applicant every 2 weeks. If no response after 3 months, an email is sent to Admissions to withdraw the application and note EBS accordingly.

UCAS applicants will be asked to complete a risk assessment survey or Higher Education Criminal Records Disclosure Form.

Stage 2 – Risk Assessment

Safeguarding Team will be notified when a risk assessment has been received. If it is apparent that the box has been ticked in error, the application will be taken off hold and progressed by Admissions.

Initial screening

In the first instance, disclosure forms are examined by the Safeguarding Team (including a Behaviour Specialist), who will make an initial assessment on whether the information provided requires further consideration.

Disclosure Levels

Disclosures will normally be categorised by level – thereby assessing the potential risk to students, staff, and visitors. Each disclosure will be looked at individually - ranked as High, Medium or Low - taking into consideration:

- Campus location
- Potential risk to applicant, peer group, staff or visitors
- Learning environment, the applicant is planning to study in relation to their disclosure.

Low risk (e.g. speeding offences first level cautions)

Medium risk (e.g. theft, first low level acts of violence, drunk and disorderly, drug related (personal use))



High risk (e.g. GBH, ABH, drug offences, and any offence resulting in a custodial sentence).

Please note, the examples above are not exhaustive and disclosures of other offences will be considered appropriately.

Stage 3 – Decision Making

If an offer can be made (with or without conditions), the decision is communicated to the applicant and Admissions to progress the application. Forms are kept securely in Safeguarding and destroyed in line with the College's Retention Schedule.

Criminal Disclosure Panel

Where the criminal record is considered relevant a Panel will be convened – comprising of:

- The Director of Student Services (or nominee) – to act as Chair
- Head of Centre – to act as Deputy Chair
- Head of Higher Education (or nominee)
- Faculty Area Manager
- Safeguarding Lead
- Behaviour Specialist
- Representatives from external agencies e.g. Police, Probation, Youth Offending, Prison Service (as appropriate).

The Panel will assess the appropriateness of the application, review associated risks, and then determine any conditions that may be required. The Panel reserves the right to decline an application based on Safeguarding/Health and Safety implications.

All applicants discussed at the Panel will be anonymous to ensure that all decisions are fair and transparent.

The case will normally be presented by the Director of Student Services, alerting the Panel to any potential concerns they may have. Any decision the College may make to decline an application can only be done on the basis where it is considered that potential risks are too high, and the College is unable to put a robust risk assessment in place. The College will make this decision on the grounds of Safeguarding / Health and Safety and being able to ensure that there are no significant risks to the college community.

The Panel's decision will be communicated in writing to the applicant by the Director of Student Services or Head of Centre (as Chair and Deputy Chair of the Panel respectively).

Right of Appeal against a Panel decision

The applicant may appeal a decision of the Criminal Disclosure Panel by writing to the Deputy Principal (Curriculum) within 10 working days of being informed of the result. The appeal should detail any additional information which may not have been presented to the Panel. The Deputy Principal will consider the information provided and inform the applicant of the decision within 10 working days of receiving the appeal. The Vice Principal's decision is final.

Stage 4 – On-going Process and Support

An integral part of the process is the creation and maintaining of a positive behaviour support plan.



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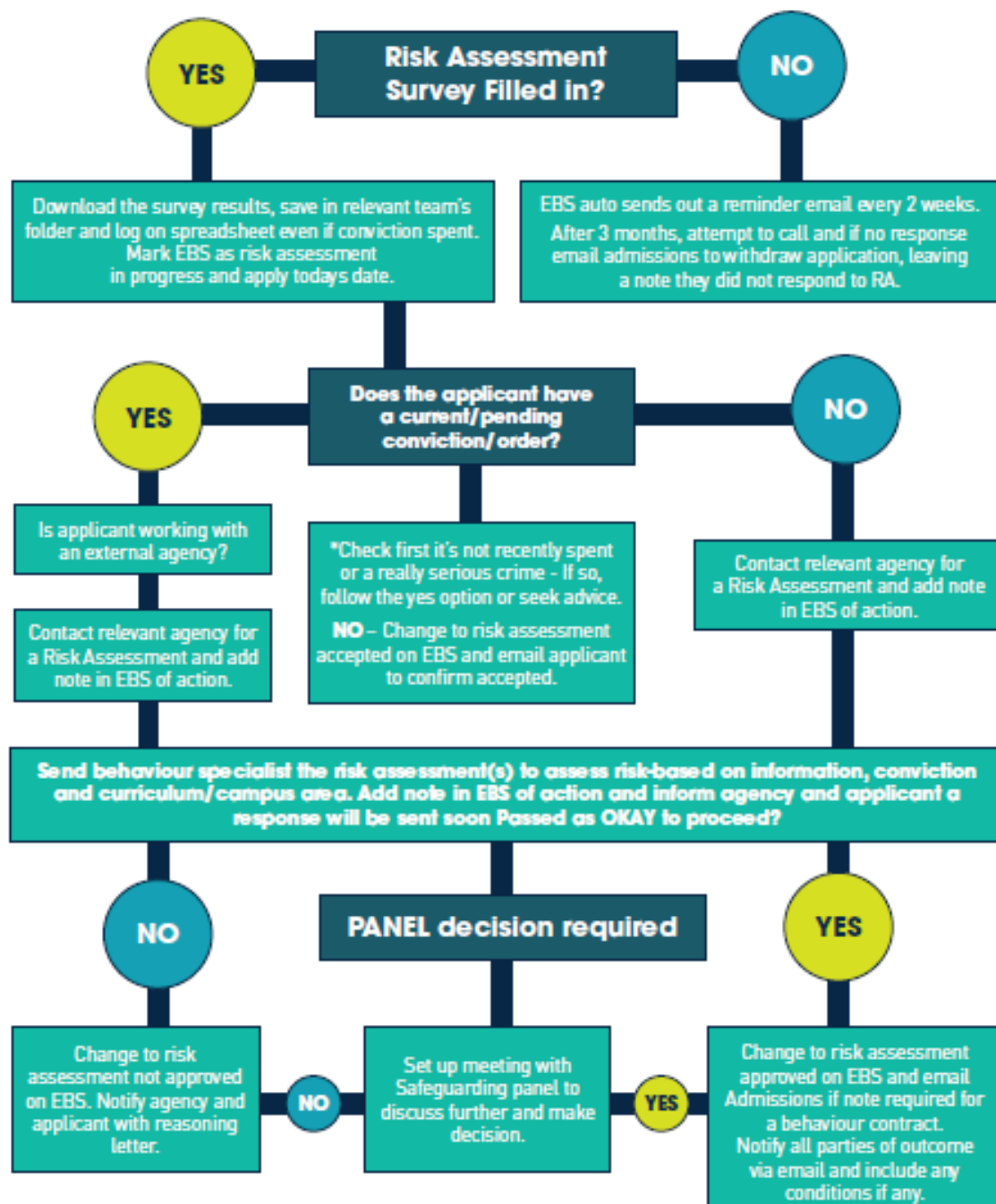


Students with convictions are more supported (internally and externally) and less likely to engage in behaviours or activities relating to their convictions.

The College has extensive support mechanisms in place to maintain effective working with students with convictions. Many staff are experienced at understanding an individual's complex needs and background.



Process for risk assessing student applicants with criminal convictions





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I do / do not have* (delete as appropriate) a Probation Officer.

I give / do not give* (delete as appropriate) my consent for you to approach my Probation Officer to obtain further information in support of my application.

If you have given this consent, please provide the contact details for your Probation Officer:

Name:	
Address:	
Postcode:	
Telephone Number:	
Email Address:	



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If you do not have a Probation Officer, it might be helpful for us to contact a referee for further information. We will not do this without your consent and any information provided will be treated as confidential.

I give / do not give* (delete as appropriate) my consent for you to approach my referee to obtain further information in support of my application.

Referee Name:	
In which capacity does this person know you?	
Address:	
Postcode:	
Telephone Number:	
Email Address:	

I confirm that the information given in this declaration is true, complete, and accurate and that no information requested, or other material information has been omitted.

Signed:	
Date:	

The information on this form will be seen only by essential staff. Once a decision has been made on its relevance to your application, you will be notified of the outcome.

I agree to Nottingham College processing the information I have given on this form for any purposes connected with my studies, for my health and safety or that of others while on college premises, or for any other legitimate reason.

This is a very serious and important matter and, if it is subsequently found that you have made a false declaration on this form, any decision to admit you may be overturned and the result is likely to be exclusion from the course and the College.



GUIDANCE NOTES FOR COMPLETING THE DISCLOSURE FORM

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