

**Name of Policy** **CRIMINAL RECORDS POLICY (APPLICANTS/STUDENTS)**

**Purpose** To ensure that applicants and students with criminal convictions are given 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.

**Author / Job Title** Director of Pastoral and Academic Progress

**Equality Assessment By Whom** Director of Pastoral and Academic Progress **Date** July 2017

**Version** 2 **Date of next review (month & year)** July 2019

		Date
<b>Approved by</b>	Senior Manager	
	SMT	14/9/17
	Corporation	

**Related policies or procedures or parent policy if applicable**

- Work Related Learning Policy
- Health and Safety General Statement
- Individual Learner Risk Assessment Procedure
- Tutorial Scheme of Work
- Student Anti-Bullying & Harassment Policy
- Student Disciplinary Procedures
- E-Safety Policy
- Social Media Policy
- Pre 16 Admissions Policy
- Keeping Children Safe in Education (2016)
- Working Together to Safeguard Children (2015)
- Prevent Duty Guidance 2016
- Stop and Search Policy

**Groups/bodies consulted in the development of the policy**

**To be published on College website** YES

## **MACCLESFIELD COLLEGE CRIMINAL RECORDS POLICY (APPLICANTS & STUDENTS)**

### **Purpose**

To ensure that applicants and students with criminal convictions are given 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.

### **Scope**

All applicants and students of Macclesfield College

### **Responsibility**

Director or Pastoral and Academic Progress (DP&AP)

### **Policy**

Applicants and students are not refused access to College courses which they are academically suited for on the grounds of a previous criminal record unless their presence at the College has been demonstrated to pose a risk to others or to College property, or unless their criminal record significantly limits their chance of success on their course.

The College plays an appropriate part in the rehabilitation of offenders and as such networks as appropriate with other agencies involved with the applicant/student to ensure a fair risk assessment is undertaken and appropriate support offered.

All records are kept securely and destroyed in line with the College's Data Protection Policy.

### **Procedure**

#### **1. Applications - general**

- All applicants to full-time courses and specified part-time courses are asked to disclose if they have any unspent criminal convictions or hearings pending. If they indicate "yes" they are given an R1 form to complete and return (Appendix 1).
- These forms are screened by the Director of Pastoral and Academic Progress, who makes an initial assessment of whether the record is relevant or not. All R1 forms are kept securely in Student Services and destroyed once the student has left the College.
- Where the criminal record is considered relevant an interview with the student will take place and Form R2 completed (Appendix 2). This will determine if a risk assessment is required which will be conducted by the Director of Pastoral and Academic Progress and appropriate Head of Faculty following the Individual Learner Risk Assessment Procedure. Recommendations regarding placement are made to the Vice Principal: Curriculum & Quality
- Advice and information from other agencies involved with the applicant will be sought where applicable to inform the risk assessment and the student will be included in the process to clarify or confirm information

- The risk assessment will be recorded and the applicant informed of the outcome by the DP&AP.
- The Head of Faculty will inform staff on a need to know basis after agreement with the student if a student is admitted to the course with conditions for managing risk or particular support needs. Otherwise information on the criminal record is not passed on. Intentional non-disclosure of a criminal conviction could lead to exclusion

## **2. Course specific criminal records issues**

- 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
- For courses with mandatory elements which require students to have DBS (Disclosure & Barring Service) checks, the interviewing teacher 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
- Applicants for these courses should be encouraged to apply for their checks as early as possible
- Photocopies of the DBS check are kept in a confidential file by the placement officer and destroyed when the student leaves
- If a student declares a criminal record or 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 cannot be offered. The student should be directed to Student Services for advice on other options
- 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 teacher interviewing 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. Issues on-course**

- Where it is revealed during a course that a student has not disclosed a criminal record, the personal tutor will inform the Head of Faculty who will, in consultation with the DP&AP, consider whether a risk assessment is required. This will be dependent on the severity and impact of the disclosure
- Where a criminal prosecution or conviction occurs during the course, the risk assessment team will make a judgment on implementing any control measures as necessary
- Personal tutors will be alert 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**

- An applicant who is unhappy with the outcome of this procedure can appeal to the Principal. The appeal must be in writing and must be made within two weeks of the decision made on the application. The Principal will respond within a further two weeks.

## APPENDIX 1

# Declaration of Convictions (R1)

### Guidance Notes for Students

Having a criminal record or a pending prosecution will not necessarily bar you from a place at college. This will depend on the nature of the course and the circumstances and background of any offences. If you fail to disclose any relevant information then your offer of a place or enrolment on the course may be withdrawn.

This declaration will be passed onto the DP&AP who may need to contact you for further information and complete a risk assessment. Discussion where appropriate may be needed with the Vice Principal of Curriculum and Quality.

### Declaring Criminal Convictions and Pending Convictions

The College has a Duty of Care to all its students, staff and visitors to ensure their safety and wellbeing. It also has a duty to safeguard and protect any of its users who are under the age of 18, and in particular any under 16. In order to meet these responsibilities it is necessary to require all students to declare any convictions or pending hearings to enable the College to make a judgement on any potential risks posed by their enrolment on a course.

**Spent Convictions** are not considered to be relevant and **you are not required to reveal them** unless you are hoping to join a Child Care or Health and Social Care course, or any other course where a Disclosure and Barring Service (DBS) check is required.

### When is a Conviction considered Spent?

The Rehabilitation of Offenders Act 1974 enables criminal convictions to be 'spent' after a rehabilitation period. Rehabilitation periods vary dependant on the conviction and sentence given. If you are not sure whether your conviction is spent and should be declared, you should get advice from the appropriate agency e.g. Youth Offending Team or Probation Service, NACRO (National Association for the Care and Resettlement of Offenders) or visit the online calculator [www.disclosurecalculator.org.uk](http://www.disclosurecalculator.org.uk) or [www.unlock.org.uk](http://www.unlock.org.uk) for up-to-date advice.

### PRIVATE AND CONFIDENTIAL

<b>Name:</b>	<b>DoB:</b>
<b>Address:</b>	<b>Contact numbers:</b> <b>Home</b>
<b>Course Applied for:</b>	<b>Mobile</b>

The College needs as much information as possible for it to undertake an accurate risk assessment. We appreciate the need for Data Protection and ask that you ensure you have informed consent to share data or are making sure you are sharing this information legally.

<b>Offence:</b>	<b>Date of Conviction:</b>	<b>Penalty / Nature of Sentence:</b>

<b>Any comments or further information you would like us to take into consideration:</b>			
<b>Are you currently on a:</b>	<b>Tagging Order</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>Home detention curfew</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>Sex Offenders Register</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Do you have any history of the following:</b>	<b>Arson</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>Violence against a person</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>Offences against children/vulnerable adults</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>Drug supply/dealing</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Are you currently:</b>	<b>Under bail conditions</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<b>Pending a court hearing</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Do you have a Learning Difficulty/Disability?</b> If yes, please give details:		<input type="checkbox"/> Yes	<input type="checkbox"/> No

### Information sharing with other professionals

It may be useful for college staff to talk to other professionals who have been, or are currently, involved in helping you with the issues connected to your conviction(s). Sharing information with other professionals involved in your case will enable us to develop a clearer picture of your situation and needs. By working together we can plan appropriate courses of action. For example it can be useful to contact probation officers/social workers to gain a reference for you, or more details about the circumstances of your conviction or treatment. Similarly, they may wish to find out if you have been offered a place at college.

Please give details of your YOT worker / Probation Officer (please circle) and additional support workers (only if appropriate):

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

### Applicant Declaration

I have read, or listened to, the information provided on this form and understand that the College needs this information to ensure I am provided with the appropriate information, advice and guidance. I confirm that I give my consent to Macclesfield College to use this information to risk assess my application. I understand that this information will be stored and managed under the Data Protection Act 1998.

Name (please print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Please complete and forward this form marked 'Confidential' to: Director of Pastoral and Academic Progress, Macclesfield College, Park Lane, Macclesfield, SK11 8LF

If you would like to discuss anything relating to this document, please telephone the DP&AP on 01625 410018.

## APPENDIX 2

### CRIMINAL CONVICTIONS INTERVIEW (R2)

This form should be completed on receipt of a “Declarations of Convictions” form and inform any risk assessment necessary (follow Individual Learner Risk Assessment Procedure)

<b>Name:</b>	<b>DoB:</b>
<b>Course Applied for:</b>	
<b>Date:</b>	

ISSUES TO BE CONSIDERED	COMMENTS
The nature of the offence	
Who might be at risk? eg students themselves, other students, staff, public	
When the crime was committed e.g. the length of time since the offence was committed, age of the student	
The circumstances involved eg the involvement of drugs or alcohol	
The sentence (the length of sentence is usually dependent on the seriousness of the crime)	
Patterns of offending (was the offence a one off or is there a history of offending)	
Efforts to avoid reoffending eg involvement of Probation Service or other agencies, degree of remorse expressed	
Requirements of the course eg working with children, young people or vulnerable adults	
Safeguards available to guard against offending whilst at college eg supervision, reviews, partnerships	
Will the nature of the course present any temptations for the student to reoffend?	
Conditions – supervision, reviews, partnership working with other agencies	
Likelihood of meeting anyone at college involved in any previous offence?	
Feedback from third parties e.g. YOT, Probation Service	
Other comments:	