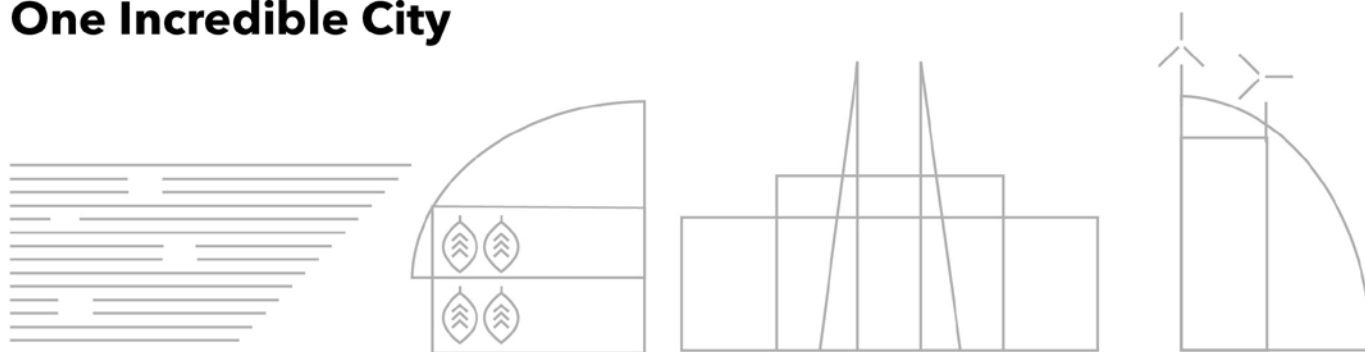


# Criminal Convictions Policy

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## **Document Information:**

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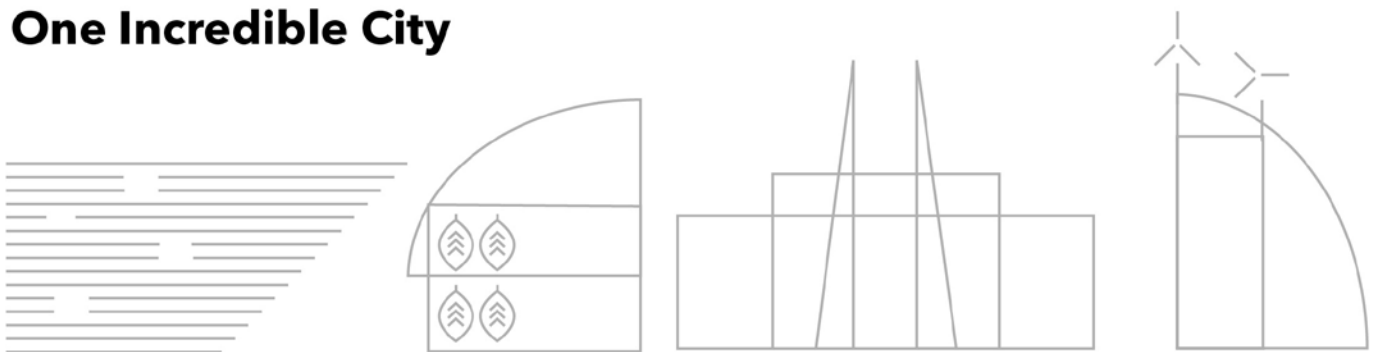
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# Criminal Convictions Policy

## 1. Purpose

- 1.1 The College has a duty of care to all users of the institution: staff, students, visitors etc.
- 1.2 In order to fulfil this responsibility the College operates a policy whereby all those applying to study at the institution have to self-declare whether they have an unspent criminal conviction.
- 1.3 Those declaring such a conviction will be risk assessed to gauge their suitability for undertaking a course of study within the institution.
- 1.4 This policy and its associated procedures also applies to those learners who receive a criminal conviction whilst they are students at the College.

## 2. Principles

- 2.1 The College's procedures take account of an individual's right to education balanced by the risk to the College and its wider community which may be occasioned by admitting students with a known history of crime, or of previous record of disruptive behaviour whilst attending the College.
- 2.2 Although in some instances the risk assessment process may lead to a decision not to allow the applicant to study at the College all options will be explored to enable an applicant to take up their course e.g. putting in place appropriate control or support measures.

The College work to the Rehabilitation of Offenders Act 1974(ROA), update 2014, in defining what constitutes a spent conviction:

- Some convictions become spent after a certain period of time. It is for the learner to check whether or not their conviction is spent.
- If a conviction or caution is spent, a student does not need to answer Yes to the question **unless they are applying for courses in one of the following areas:**
  - **teaching**
  - **health**
  - **social work**
  - **any other course involving work with children or vulnerable adults**
  - **Law/Legal Environment**
  - **Accounting and Finance**
  - **Veterinary Practices**
  - **RSPCA**
  - **Taxi Drivers**
- For these courses a student must tell us about any unspent convictions.

### 3. Scope

- 3.1 The College will risk assess all students where they have an unspent criminal conviction.
- 3.2 This policy applies to all students irrespective of their method of application or enrolment or their type of study:
- a] Full-time            On-line [via UCAS Progress]; Application form
  - b] Part-time            On-line; In person
- Note:** short courses, particularly those taking place off site, are exempt from the 'practical' aspects of the CCD policy but the 'principle' of maintaining a safe environment for all is retained and should be addressed in any contractual agreements or pre-course information/assessment materials.
- c] On-line College
  - d] Sub-contracting provision
  - e] Work-based Learning
  - f] Higher Education
- 3.3 This policy also applies in situations where a student acquires a criminal conviction during their programme of study.
- 3.3.1 Information that relates to a student's changing circumstances whilst at College must be passed on by the student as soon as possible and preferably in writing. Failure to follow these procedures may result in the student being excluded from the College.
- 3.4 Applicants should make a positive disclosure if they have unspent convictions if they are applying for courses in one of the following areas:
- **teaching**
  - **health**
  - **social work**
  - **any other course involving work with children or vulnerable adults**
  - **Law/Legal Environment**
  - **Accounting and Finance**
  - **Veterinary Practices**
  - **RSPCA**
  - **Taxi Drivers**

### 4. Procedures: see *Criminal Convictions Declaration Policy Procedures*

#### 4.1 Assessment Process

- 4.1.1 All applicants who study at the Sheffield College will be required to indicate on their Student Learning Agreement whether or not they have a relevant unspent criminal conviction.

- 4.1.2 Students indicating that they have an unspent criminal conviction will be required to complete a **Disclosure of Criminal Convictions, Reprimands or Final Warnings** form [Form CCD1v2].
- 4.1.3. The following is indicative of the information likely to be required to enable a fair assessment of an individual's suitability to attend a course.
- Adequate details of previous offences/behaviour which may be a cause for concern.
  - Details of any external agencies working with the learner e.g. Youth Offending team, Probation Service.
  - Environmental factors that might exacerbate the position of the individual including the access to others such as the young and vulnerable.
  - An assessment of the likelihood of re-offending or of behaviour recurring.
  - Levels of support or restrictions that may be necessary to minimise risk.

This information will be considered in the light of the course applied for.

- 4.1.4 The Sheffield College will have named contacts whose responsibilities include the assessment of disclosures and referrals, which may involve a risk to others; any two of these will constitute the Risk Assessment Panel to whom declarations will be referred.
- 4.1.5 If there is insufficient information on which to make a fair assessment of risk, the individual will be given the opportunity to provide the required information. Failure to provide the requested information will lead to an application or referral being refused or the termination of a Student Learning Agreement.
- 4.1.6 It is appreciated that individual circumstances are subject to change. Should any of these factors give cause for concern after a student has been accepted on a course, the College reserves the right to conduct an initial or further Risk Assessment.

## **4.2 Information and Confidentiality Issues**

- 4.2.1 The information collected during the risk assessment process will be made available to the senior College manager responsible for chairing a Risk Assessment Panel.
- 4.2.2 Information will be stored securely at all times and will be covered by the Data Protection Act.
- 4.2.3 Information concerning students and the nature of any conviction may be made available to course tutors and work placement providers if,
- 4.2.4 and when applicable; this will be done on a strictly 'need to know' basis.
- 4.2.5 As the Sheffield College is involved in a significant amount of collaborative work, the College reserves the right to share information between these agencies only if and when this is deemed as appropriate and always under the requirements of the Data Protection Act.

### 4.3 Outcomes of the Risk Assessment Process

4.3.1 The Risk Assessment Panel will recommend one of the following outcomes:

a] Confirm the student's application or enrolment without any restrictions **(Green status)**.

b] Confirm the student's application or enrolment with restrictions **(Amber status)**.

- For example, the student may be allowed to enrol on condition that their course tutor is made aware of his/her convictions; may be allowed to enrol with appropriate support etc.
- These conditions must be made clear to the applicant and their agreement to them confirmed. If this is not forthcoming the individual will be refused a College place.

c] In extreme circumstances, the panel may decide not to give a learner permission to commence their course.

**(Red status)**

- As part of the response the RAP must provide details of their reasons for this decision and how a student can appeal against it.

d] Finally, the panel may also defer a student's application or enrolment until further information is obtained – such as references from a Probation Officer, or the outcome of a DBS disclosure.

- If such information is withheld or cannot be supplied, the individual will be refused a College place.

4.3.2 Where an individual is already a student and where information on which to base a fair assessment is undisclosed or withheld the student is liable to immediate suspension on invoking of the College's Student Disciplinary policy.

### 4.4 Appeals

4.4.1 Applicants to the Sheffield College may appeal against the outcomes of their Risk Assessment to the College Principal under the Appeals Procedures within the Learner Recruitment policy.

4.4.2 Existing students may appeal against the outcome of their Risk Assessment to the College Principal through the Appeals Procedure of the Student Disciplinary Policy.