

APPLICANT AND STUDENT CRIMINAL CONVICTIONS POLICY AND PROCEDURE

For further information, support and guidance relating to this Policy and Procedure please contact Admissions or Student Services Team or helpline@nacro.org.uk.

Policy Title: Criminal Convictions Policy and Procedure	Assistant Principal Student Services
Version: Final	Review Date: July 2021

1. Purpose

1.1 STCG aims to provide a supportive and positive environment for learning and teaching. It is committed to ensuring that the rights of individuals are respected and that each person is treated with dignity, respect and courtesy at all times.

1.2 The purpose of this policy is to ensure that applicants and current students who have relevant criminal convictions to declare are treated consistently and equitably and in accordance with the Rehabilitation of Offenders Act 1974.

1.3 It is necessary for STCG to collect information on certain unspent criminal convictions for applicants and students. This is to ensure that students with unspent criminal convictions are given every opportunity to benefit from the programmes that STCG offers, while maintaining a safe and secure environment for all its students, staff and visitors.

1.4 Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not to be considered relevant except where the programme or course involves work with children or vulnerable adults. For these programmes applicants and students will be required to also disclose spent criminal convictions and to undertake [standard/enhanced] DBS checks. If spent offences are required to be disclosed this will always be indicated.

1.5 In general a criminal record is not to be regarded as an obstacle to attending the College if the applicant has achieved all the other criteria that would otherwise mean they would be able to enrol onto their programme / course. However, this will depend on the course applied for, the nature of the crime and the circumstances and background of the offence(s). The College reserves the right to refuse to admit applicants if their criminal record makes it inappropriate for them to be admitted / attend.

2. Scope

2.1 This Policy and Procedure apply to all applicants and students, including during enrolment, irrespective of mode or location of study or age.

3. Policy Statement

3.1 Subject to entry criteria for certain professional programmes, students are not automatically refused access to STCG programmes for which they are academically suited on the grounds of criminal convictions unless STCG determines that:

- their admission, enrolment or presence poses a risk to:
 - their health, safety or welfare or that of others;
 - STCG property; and/or
 - STCG's reputation

which risk(s) STCG is unable reasonably to manage; and/or

- their criminal conviction significantly limits their chance of success on their programme or future career.

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4. Disclosing Relevant Unspent Criminal Convictions

4.1 All applicants and students are asked to disclose relevant unspent criminal convictions. Referral Orders become spent so will not have to be disclosed unless covered by an exception to the Rehabilitation of Offenders Act 1974.

4.2 For all courses, relevant unspent criminal convictions are those convictions of one or more of the following:

- Offences concerned with violent or threatening behaviour or the causing of physical or mental harm to others, whether or not such harm was intended or actually caused.
- Possession of an offensive weapon, or a knife, or a bladed / pointed article.
- Possession of an acid or a corrosive substance to cause injury to a person.
- Possession of Controlled Drug /illegal substances
- Sexual offences, including those listed in the Sexual Offences Act 2003.
- Theft: robbery, burglary and going equipped to steal or commit burglary with intent to steal
- The unlawful supply of controlled drugs or substances including dealing or trafficking offences.
- Offences concerned with harassment, stalking or malicious communications.
- Offences involving firearms.
- Any “hate crime” as defined by the Crown Prosecution Service (<https://www.cps.gov.uk/hate-crime>).
- Arson.
- Offences involving terrorism.
- Fraud and related offences such as market abuse and counterfeiting
- Any criminal convictions or equivalent imposed outside the UK which meet the above criteria AND any subsisting restrictions imposed as a result of any criminal conviction which may affect the applicant’s ability to meet the course requirements

4.3 It is the responsibility of a student to disclose any relevant unspent criminal convictions whilst attending STCG. If any relevant unspent criminal convictions are disclosed [or come to STCG’s attention] whilst a student is on programme, the Criminal Conviction Procedure will be followed (Section 8). In some, but not all cases, students may be suspended in accordance STCGs Student Disciplinary Policy and Procedures and Admissions Policy pending the outcome of the Criminal Convictions Panel which may result in recommendation to withdraw.

5. Disclosing Spent Criminal Convictions

5.1 Applicants to certain professional courses and programmes involving work with children or vulnerable adults are required to declare any criminal convictions, including spent convictions and cautions. Applicants and students will be required also to disclose spent criminal convictions and to undertake [standard/enhanced] DBS checks.

The programmes this applies to are:

- Health and Social Care
- Childcare
- Public Services
- Counselling
- Education and training

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5.2 For other programmes convictions that are spent or filtered (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant and should not be revealed.

6. False Declarations

6.1 STCG may amend or withdraw the offer of a place or terminate a student's enrolment at any time if it determines that an applicant or student has made any misleading, false or fraudulent application or statement to STCG, or has produced falsified documents, regarding any relevant criminal convictions, whether as part of an application or whilst attending STCG.

7. Undeclared Criminal Convictions

7.1 Should it become known to STCG that an enrolled student has not declared a relevant criminal conviction which they had received prior to enrolment or whilst attending STCG, or has failed to disclose (or at the appropriate time) relevant information this will be referred to the Student Disciplinary Policy and Procedure. In addition, the procedure set out in section 8 will be followed for consideration by the Criminal Convictions Panel.

8. Criminal Convictions Procedure

Applicants

8.1 If a relevant criminal conviction is disclosed (or come to STCGs attention) during the application or enrolment process it will only be considered if the applicant has met the stated academic entry criteria. If the application is unsuccessful, no further action is taken in connection to the disclosed criminal conviction.

8.2 If the applicant discloses a relevant criminal conviction, they will be asked to complete a Criminal Conviction Disclosure Form and will be required to attend a Criminal Conviction referral meeting. The offer will not be processed until the outcome of this procedure. Failure to provide the required documentation concerning their conviction will result in a rejection of the application.

Students

8.3 It is the responsibility of a student studying at STCG to disclose any relevant unspent criminal convictions. If a relevant criminal conviction is disclosed (or comes to STCGs attention) the student will be asked to complete a Criminal Disclosure Form and to attend a Criminal Conviction Referral meeting. Failure to provide the required documentation concerning their conviction will result in the student being withdrawn from STCG.

Criminal Conviction Referral meeting

8.4 A Criminal Conviction Referral meeting will be held within 10 working days of the receipt of the disclosure and conducted by two designated / trained Admissions Officers or Student Service Advisers.

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8.5 The aim of the Criminal Conviction Referral meeting is to take a reasonable view of the risk the applicant /student presents to the institution as set out in the Policy Statement and STCG's mitigation of that risk. The referral meeting will also take into account the applicants suitability for a place on the programme. The suspected risk will be assessed on an individual basis and take the following criteria into consideration:

- Whether the conviction is relevant to the course / programme applied for.
- The seriousness of any offence revealed.
- The age of the applicant / student at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant / student has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned.
- Whether the applicant's / students circumstances have changed since the offending behaviour.
- Evidence submitted of their good character

8.6 The Criminal Conviction Referral meeting will have one of two outcomes:

Outcome 1

- The recommendation is for the applicant to enrol with conditions attached or to specify conditions for continued attendance.
- The recommendation is agreed and signed by the relevant Head of School
- The applicant /student is notified of any non-academic conditions (Criminal Conviction Support Plan) attached to their offer
- The Criminal Conviction Interview form is completed and signed by the student and named staff

Outcome 2

- It is referred to the Criminal Convictions Panel for the following reasons:
 - a) The applicant / student is assessed as posing an unacceptable level of level of risk based on the criteria set out in the policy statement
 - b) The relevant criminal conviction is deemed serious, ambiguous or complex

9 The Criminal Convictions Panel

9.1 The applicant / student will be notified that a Criminal Convictions Panel will be convened to consider their non- academic suitability for a place on the programme. The designated Admissions /Student Services Adviser will be responsible for making arrangements for the Panel who will receive the original application/disclosure and any additional information provided by the applicant /student.

9.2 The panel will comprise of a senior curriculum representative / the relevant Head of School, The Assistant Principal for Student Services and /or the relevant Head of Student Services and where appropriate the Admissions manager /representative.

9.3 The purpose of the panel is to consider whether the applicant /student poses an unacceptable risk to STCG as set out in the policy statement.

9.4 The panel will meet virtually or in person as soon as is practicably possible after the information has been received from the Criminal Convictions Referral meeting.

9.5 The Criminal Conviction Panel meeting will have one of two outcomes:

Outcome 1

- Recommendation to make a new offer with conditions attached or to specify conditions for continued attendance signed by the relevant Head of School / Assistant Principal & applicant/student.
- The applicant /student is notified and asked to attend a meeting
- The applicant /student agrees to the non-academic conditions (Criminal Conviction Support Plan) attached to their offer.

Outcome 2

- Recommendation that the application offer is withdrawn. In line with STCG Admissions Policy.
- Recommendation that the student is withdrawn as set out in the Student Disciplinary Policy and Procedures.

9.5 Failure to meet the non-academic conditions will be referred to the Student Disciplinary Policy and Procedure

10 Criminal Convictions Appeals process

10.1 An applicant / student may appeal against a decision of the Criminal Convictions Panel on one or more of the following grounds:

- Procedural irregularity, where it is alleged STCG did not adhere to its procedures
- Extenuating circumstances, where there is information that could not reasonably have been made known at the time lessen or reduce the seriousness of the criminal record presented to the Criminal Convictions Panel

10.2 If an applicant/student wishes to appeal against a decision of the Panel, he/she/they must submit a written appeal to the relevant College Principal within 10 working days of receipt of the Panel's decision. Support is available if required from the relevant Student Services team.

10.3 The College Principal will consider the evidence presented at the Criminal Convictions Panel and may request additional information as appropriate. The Principals decision will be final.

11. Privacy Statement

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11.1 The information that is provided by the applicant / student will be held and processed in line with the Data Protection Act 2018, GDPR and subsequent legislation.

11.2 The information will be used by STCG to assess the suitability for the programme that the applicant / student has applied for or are enrolled on.

11.3 STCG may contact you to request further information or seek your approval to contact external bodies for example the Probation Service, Support Workers.

11.4 All records relating to criminal convictions will be kept securely by STCG with necessary details of the CCD process logged on the safeguarding system for a period of seven years post enrolment. For those applicants who are not offered a place or enrolled, records will be held securely and permanently deleted after six months.

12. Summary of Policy

- All applicants or students who disclose a relevant unspent criminal conviction will be required to complete a Criminal Conviction Disclosure Form
- A Risk Assessment will be undertaken in accordance with the Procedure
- A decision as to the continuation of the application/enrolment or to remain on programme, will be authorised by the appropriate member of staff in accordance with the Procedure
- Any decisions made will be conveyed to the applicant/student as quickly as possible

If you are not sure whether you need to disclose your conviction when applying to STCG, please contact Admissions or Student Services Team or helpline@nacro.org.uk.

Process (Applicants)

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