

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	Vice-Principal Student Services
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1. Purpose

- 1.1 The South Thames Colleges Group (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 (see section 4.2) 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 a work placement that is 'exempt' from the Rehabilitation of Offenders Act 1974 and requires a Criminal Record Check through the Disclosure and Barring Service (formerly the Criminal Records Bureau). For these programmes or courses, applicants and students will be required to disclose spent criminal convictions and to undertake [enhanced/enhanced with barred list] 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 STCG 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). STCG reserves the right to refuse to admit applicants if it is deemed that their criminal record makes it inappropriate for them to be admitted/attend.

2. Scope

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

3. Policy Statement

- 3.1 Subject to entry criteria for certain professional programmes, applicants 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

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

4. Disclosing Relevant Unspent Criminal Conviction

4.1 Where applicants and students are applying for or attending a programme or course involving a work placement that is 'exempt' from the Rehabilitation of Offenders Act 1974 they are required to disclose relevant unspent criminal convictions using the Criminal Records Disclosure form issued by the Admissions Team. An unspent conviction describes any criminal conviction that an individual is still in the rehabilitation process for, or that will stay on the criminal record. Any unspent convictions which are not protected will show up on all forms of DBS checks (i.e. eligible for filtering). Referral Orders become spent, so will not have to be disclosed unless covered by an exception to the Rehabilitation of Offenders Act 1974.

If applying for a course, STCG expects all applicants to know whether their relevant conviction is unspent or spent. Please refer to NACRO for additional guidance if required.

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

- Any conviction that results in a prison sentence of more than two and a half years or involves a violent or sexual crime.
- 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
- 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 (see section 8). Failure to disclose a relevant unspent criminal conviction may result in a suspension of a student, in accordance with STCG's Student Disciplinary Policy and Procedures.

5. Disclosing Spent Criminal Convictions

5.1 Health and Social Care, Childcare and other child related courses involve a work placement that is 'exempt' from the Rehabilitation of Offenders Act 1974 and require a Criminal Record Check through the Disclosure and Barring Service (formerly the Criminal Records Bureau). The enhanced DBS certificate will disclose details of spent and unspent convictions, cautions, final warnings and reprimands that are not protected (i.e. eligible for filtering) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

Having a criminal record does not necessarily exclude an applicant from studying or working with children or vulnerable groups in the Health and Social Care or Childcare sector, this will depend on the nature of the crime and the circumstances and background of the offence(s).

Applicants for Health and Social Care, Childcare and other child related courses must declare any relevant unspent and spent convictions using the Criminal Records Disclosure form issued by the Admissions Team. The Criminal Records Disclosure form is used to assess whether the criminal record makes it inappropriate for them to be admitted.

If any relevant criminal convictions are disclosed, or come to STCG's attention whilst a student is on a course with a work placement that is 'exempt' from the Rehabilitation of Offenders Act 1974, the Criminal Conviction Procedure will be followed (see section 8).

If applicants are unsure about how to provide the information requested, support can be provided by contacting Nacro's Criminal Record Support Service on 0300 123 1999 or helpline@nacro.org.uk

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 at STCG 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 as part of an application.

7. Criminal Convictions Procedure

Applicants wishing to enrol on a STCG course

7.1 If a relevant criminal conviction is disclosed (or comes to STCG's attention) during the application or enrolment process, it will only be considered if the applicant has met the stated course entry criteria. If the application is unsuccessful, no further action is taken in connection to the disclosed criminal conviction.

7.2 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 application will not be processed until the necessary stages of this procedure have

been completed as set out below. Failure to provide the required documentation concerning the disclosed conviction will result in a rejection of the application.

Students enrolled and attending a STCG course

7.3 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 STCG’s attention) the student concerned will be asked to complete a Criminal Conviction Disclosure Form and to attend a Criminal Conviction Referral Meeting.

Criminal Conviction Referral Meeting

7.4 A Criminal Conviction Referral Meeting will be held within 10 working days of the receipt of the disclosure and conducted normally by two designated Admissions and/or Student Services staff.

7.5 The aim of the Criminal Conviction Referral Meeting is to assess the risk the applicant/student presents to STCG staff and students. The suspected risk will be assessed on an individual basis and take the following factors into consideration:

- Whether the conviction is relevant to the course / programme applied for
- Whether the spent or unspent conviction would prevent the completion of the relevant work placement
- 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 Applicant or Student concerned. Whether the applicant's/student's circumstances have changed since the offending behaviour
- Evidence submitted of their good character.

7.6 The Criminal Conviction Referral Meeting will have one of two outcomes:

Outcome 1

- The applicant is able to enrol, but the enrolment may include conditions connected to it or conditions that must be complied with during attendance of the student while attending an STCG College.

Outcome 2

- The case is deemed sufficient to be considered by the Criminal Conviction Panel for the following reasons:
 - a) The applicant/student is assessed as posing a high and possibly unacceptable level of risk based on the criteria set out in the policy statement
 - b) The relevant criminal conviction is deemed serious, ambiguous or complex
 - c) The criminal conviction would prevent attendance on the mandatory work placement

7.7 The outcome of the Criminal Conviction Referral Meeting will be communicated in writing to the Applicant or Student within 5 working days.

8 The Criminal Conviction Panel (the Panel)

8.1 The applicant/student will be notified if a Criminal Conviction Panel will be convened to consider their non-academic suitability for an enrolment or continued attendance at STCG. The Admissions/Student Services staff will make arrangements for the Panel to meet and to receive the original application/disclosure and any additional information provided by the applicant/student.

8.2 The Panel will normally comprise of the relevant Head of School, the Vice Principal for Student Services and/or the relevant Head of Student Services and, where appropriate an Admissions Manager/representative.

8.3 The purpose of the Panel is to consider whether the applicant/student poses an unacceptable risk to STCG and its staff and students.

8.4 The Panel will meet virtually or in person as soon as is practicably possible, normally no later than 14 days, after the information has been received from the Criminal Conviction Referral meeting. The Applicant or Student concerned will be offered the opportunity to make verbal or written representations to the Panel. The Applicant or Student may be accompanied by a friend or fellow student but will not be permitted to be accompanied by a legal representative.

8.5 The Panel Meeting will have one of two outcomes:

Outcome 1

- The applicant is permitted to enrol, but the enrolment may include conditions connected to the enrolment or conditions that must be complied with during attendance of the student at an STCG College/site.

Outcome 2

- That the application offer to the Applicant is withdrawn
or
- the Student is excluded from STCG.

8.6 Failure to meet any conditions as a result of an Outcome 1 decision will be referred to the Student Disciplinary Policy and Procedure

8.7 The outcome of the Criminal Conviction Panel will be communicated in writing to the Applicant or Student within 5 working days.

9 Criminal Conviction Appeals Process

9.1 An applicant/student may appeal against a decision of the Criminal Conviction 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 was not considered by the panel which may either alter the decision.

9.2 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.

9.3 A College Principal or equivalent will consider the evidence presented at the Criminal Conviction Panel and may request additional information, including information from members of the Criminal Conviction Panel. The College Principal will consider the grounds of the appeal and any accompanying information provided and invite the Applicant or Student to make any further representations. The College Principal will consider the information presented and representations made and determine the appeal. The Principal's decision will be final.

10. Privacy Statement

10.1 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.

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

10.3 STCG may be in to request further information or seek approval to contact external bodies, for example, the Probation Service, Support Workers.

10.4 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.

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

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Appendix 1 Criminal Convictions Procedure (Applicants)

