

Policy Name	Dealing with Disclosure of Unspent Criminal Convictions Policy and Procedures
Department	Enquiries and Admissions
Created by (Job Title)	Head of Enquiries & Admissions
Date Reviewed	December 2020
Date of Next Review	December 2021
Pathway	https://college.oak.com > Departments > Student Recruitment
E & D Disclaimer	This policy has been reviewed in line with the Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation and Disability. We will continue to monitor this policy and to ensure that it has equal access and does not discriminate against anyone, especially any person/s listed under any protected characteristic.

Dealing with Disclosure of Unspent Criminal Convictions

1.0 Introduction

This policy details the Group's approach and arrangements for dealing with the disclosure of unspent criminal convictions.

2.0 Scope and definitions

This policy relates to all education provision delivered at one of The Bedford College Group's campuses, colleges or centres, which includes Bedford College, National College for Motorsport, Shuttleworth College, The Bedford Sixth Form and Tresham College.

The policy does not relate to The Learning Centres because there is no 16-18 provision at these sites.

3.0 Policy statement

The College has a duty of care to all its students, staff and visitors to ensure their safety and well-being. It also has an obligation under the relevant safeguarding legislation to protect and safeguard any of its users who are under 18 or vulnerable (see [Child Protection & Safeguarding Policy](#)).

In order to undertake best endeavours to meet these duties, it is necessary to require potential students to disclose any unspent criminal convictions. This will enable the College to make a judgement in relation to any potential risks related to their enrolment.

The College ensures that any information obtained is processed and retained within the GDPR regulations. For more information, please see the College's [Data Protection Policy](#) and [Data Privacy Policy](#).

Having a conviction will not necessarily bar anyone from a place at College. However, it will help us to ensure that, if they do enrol, it is on an appropriate course and that any potential risks to other college users or the applicant/enrollee are minimised. Convictions of particular concern are those relating to offences against the person, whether of a violent or sexual nature, those involving the unlawful supply of controlled substances or drugs, theft or damage to property.

Guidance on whether or not a conviction is deemed to be spent (as defined by the Rehabilitation of Offenders Act 1974, and reformed under the Legal Aid, Sentencing and Punishment of Offenders Act 2012) is attached in Annex A. It is the responsibility of the applicant/enrollee to determine their own circumstances in relation to spent convictions. If they are in any doubt as to their situation they should be advised to contact Nacro on 0300 123 1999 or email helpline@nacro.org.uk

4.0 Responsibilities

The Executive Director of Sales & Marketing has overall responsibility for this Policy. It is implemented by the Enquiries & Admissions team under the leadership of the Head of Enquiries & Admissions.

Curriculum areas, Enquiries & Admissions, Apprenticeship Recruitment and the Student Services teams work in partnership to adhere to this Policy.

5.0 Procedure

5.1 At general enquiry stage:

1. Explain to the applicant/enrolee why the College is required to ask for this information. A guidance sheet for applicants is attached at Annex B.
2. Explain that we only need to know about unspent convictions (except for those courses requiring DBS checks).
3. Be reassuring and avoid any response which may sound judgemental, explain the College's Confidentiality Policy and the fact that an applicant's disclosure will not necessarily prevent them from enrolling.
4. Make it clear that applicants do not need to tell you any details of the conviction, but that they will be contacted by the Head of Enquiries & Admissions or Admissions & Conversion Administrator who will discuss their application with them on an individual basis.
5. Advise the applicant that when disclosing a conviction(s) they are entitled to provide a supplementary written 'disclosure statement' which sets out the circumstances relating to their offence (s). For support in creating a disclosure statement applicants should contact Nacro. The applicant should also be advised that the statement should be marked 'confidential' and will only be shared with those members of staff that are involved in the decision making process on a 'need to know' basis.
6. If they are uncertain about the status of their conviction, applicants should be advised to contact Nacro. The helpline number is given on the guidance notes for applicants.

5.2 At application stage (full-time and substantive part-time)

1. If an applicant declares an unspent conviction on the application form, they receive an automated email when the application has been marked as referred on Radius and the enquiry owner changed.
2. If the Head of Enquiries & Admissions does not receive a reply to the automated email, the applicant will be contacted within five working days to seek further details and, if appropriate, a meeting will be arranged with the Head of Enquiries & Admissions (or Admissions & Conversion Administrator) to discuss the conviction.
3. Part 1 of the risk assessment form in Annex C will be completed by the Head of Enquiries & Admissions or Admissions & Conversion Administrator who will decide whether a risk assessment panel meeting is required and, if so, convene a meeting. Advice may be sought from the Health & Safety Manager or Course Manager.

4. If no panel meeting is required the Head of Enquiries & Admissions will let the relevant Admissions & Conversion Administrator know they can progress to interview/offer stage.
5. If the applicant does not respond to the contact they will be given a second opportunity and be advised that, if they do not respond, we will assume they no longer wish to be considered for a place at College. They will be entered onto Radius using the 'no response' code.
6. The risk assessment panel will normally comprise of the, Head of Enquires and Admissions, Student Achievement and Wellbeing Manager, Health and Safety Manager and the relevant Course Manager or Assistant Director. The following information will be deemed relevant:
 - course applied for
 - nature of conviction
 - seriousness and relevance
 - age when convicted
 - length of time since offence
 - pattern of offending behaviour
 - circumstances of individual at the time the offence was committed and now
 - remorse shown.
7. The outcome of the panel meeting will be recorded on Part 2 of the assessment form and a copy of form will be kept securely by the Head of Enquiries & Admissions.
8. The applicant will be notified of the decision and the decision will be returned to Admissions for action. If supported by the panel, the applicant will proceed to course interview stage or offer stage (depending upon the course). If the application is not supported by the panel it will be entered onto Radius using the 'no offer' code.

5.3 At application stage (Apprenticeships)

1. The Apprenticeship Recruitment Advisers will receive an automated email of any apprenticeship applicant who has declared yes to having a criminal conviction.
2. The Head of Enquiries & Admissions will receive an automated email in regards to this applicant once the applicant has been reviewed/pre-screened by the Adviser. Once the status is changed for the applicant, they will receive an automated email to contact the Head of Enquiries & Admissions.
3. The Head of Enquiries & Admissions will contact the apprenticeship applicant within five working days to seek further details and, if appropriate, a meeting will be arranged with the Head of Enquiries & Admissions (or Apprenticeship Recruitment Team Leader) to discuss the conviction. Part 1 of the risk assessment form in Annex C will be completed by the Head of Enquiries & Admissions or Apprenticeship Recruitment Team Leader who will decide whether a risk assessment panel meeting is required and, if so, convene a meeting. Advice may be sought from the Health & Safety Manager or Course Manager.

4. If no panel meeting is required, the Head of Enquiries & Admissions will let the Apprenticeship Recruitment Team Leader know the applicant can progress to the next stage of their application.
5. If the applicant does not respond to the contact they will be given a second opportunity and be advised that, if they do not respond, we will assume they no longer wish to be considered for an apprenticeship. They will be entered onto Radius and Dynamics using the 'no response' code.
6. The risk assessment panel will normally comprise of the Head of Enquires & Admissions, Apprenticeship Recruitment Team Leader, Student Achievement & Wellbeing Manager, Health & Safety Manager and the relevant Course Manager or Curriculum Head. The following information will be deemed relevant:
 - course applied for
 - nature of conviction
 - seriousness and relevance
 - age when convicted
 - length of time since offence
 - pattern of offending behaviour
 - circumstances of individual at the time the offence was committed and now
 - remorse shown
7. The outcome of the panel meeting will be recorded on Part 2 of the assessment form and a copy of form will be kept securely by the Head of Enquiries & Admissions.
8. The applicant will be notified of the decision and the decision will be returned to Apprenticeship Recruitment Team Leader for action. If supported by the panel, the applicant will proceed to initial interview stage. If the application is not supported by the panel it will be entered onto Radius using the 'no offer' code and Dynamics using 'not suitable for vacancy'.
9. Feedback will be given if the decision is made by the risk assessment panel to not progress with the applicant.

5.4 At application stage (Higher Education)

For applicants who apply for higher education courses direct through the College and part-time Teacher Education courses, the same process for full-time and substantive part-time courses will apply.

For applicants who apply through UCAS, applicants are not required to declare criminal convictions through this application process however, as a College, we will continue to collect this information under GDPR Article 9 2 (a) and (d), asking applicants to notify us on any unspent criminal convictions prior to interview or at offer stage. If an applicant makes such a disclosure, the Higher Education Admissions & Conversion Administrator will refer the application to the Head of Enquiries & Admissions who will contact the applicant and then complete the normal risk assessment process.

Applicants who apply for full-time Teacher Education programmes with the University of Bedfordshire (UoB) will in addition be asked to complete an Applicant Disqualification Declaration form annex D. A safeguarding panel at the UoB will make the decision as to whether or not the applicant can be offered a place.

5.5 At enrolment stage for part-time learners who are attending a course at one of our campuses

1. An enrolee will receive joining instructions where they will be asked to notify the Head of Enquiries & Admissions if they have an unspent criminal. If and when an enrolee makes contact with the Head of Enquiries & Admissions to discuss the conviction, Part 1 of the risk assessment form in Annex C will be completed by the Head of Enquiries & Admissions who will decide whether a risk assessment panel meeting is required and, if so, convene a meeting. Advice may be sought from the Health & Safety Manager or Course Manager.
2. Enrolees should be advised that the start date is provisional subject to the outcome of the risk assessment. Any fees paid will be reimbursed if the nature of their conviction is such that it is not possible to confirm their place.
3. Details of the progress of enrolee's will be recorded on Radius.

5.6 Current students receiving/notifying a criminal conviction

Where a student receives a conviction after they have been enrolled, the Course Manager and/or Achievement Tutor will complete Part 1 and 2 of the risk assessment. They will discuss their findings with the Head of Enquiries & Admissions or the Student Achievement & Wellbeing Manager to determine whether a risk assessment panel is required. Depending on the nature of the conviction, the student may be suspended pending the outcome of the panel meeting.

6.0 Collecting information about applicants and students

Copies of all risk assessments, whatever the outcome, will be held securely on a by the Head of Enquiries & Admissions.

Details on the information we collect from applicants and students can be found in our [Data Privacy Policy](#), which sets out what we do with this information and what we do to keep it secure. It also explains where and how we collect personal information, as well as applicants' and students' rights over the personal information we hold about them.

7.0 Appeals and complaints

If an applicant or student feels that the process has not been followed, or the decision reached by the College is unfair or incorrect, they have the right to appeal or complain. This can be done by visiting www.bedford.ac.uk/haveyoursay or www.tresham.ac.uk/haveyoursay

Our Have Your Say Policy is designed to ensure that your complaint is dealt with promptly and effectively. A copy can be obtained from the downloads section of our

websites, by emailing haveyoursay@bedford.ac.uk or by writing to the Quality Department, The Bedford College Group, Cauldwell Street, Bedford MK42 9AH.

After exhausting the Group's internal complaints procedure, if you are still dissatisfied with the outcome you can complain to the Skills Funding Agency (the government agency responsible for overseeing the performance of further education colleges) or the Office for the Independent Regulator of Higher Education in England (for higher education courses). Further details on how to contact them can be found in our Have Your Say Policy.

8.0 Monitoring and evaluation

The implementation of the admissions policy is monitored through:

- Assessment under the Matrix quality standard
- Customer feedback
- Service standards detailed in the admissions processes
- Analysis of performance recorded on student recruitment system
- College self-assessment process
- Equality impact analysis.

9.0 Supporting policies

The following College policies are relevant to the application of this policy:

Document	Owner
Customer Care Charter	Executive Director of Sales & Marketing
Admissions Policies	Executive Director of Sales & Marketing
Equality & Diversity Policy	Diversity & Inclusion Advisor
Safeguarding Children & Vulnerable Adults Policy	Director of Student Services
Data Privacy Policy	Executive Director of Sales & Marketing