

<b>Policy Name</b>	<b>Dealing with Disclosure of Unspent Criminal Convictions Policy and Procedures</b>
<b>Department</b>	Enquiries and Admissions
<b>Created by (Job Title)</b>	Group Head of Customer Contact & Admissions
<b>Date Reviewed</b>	November 2023
<b>Date of Next Review</b>	March 2025
<b>Pathway</b>	Connect, Enquiries & Admissions, Policies & Procedures
<b>Equality Impact Assessment</b>	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, Tresham College and Central Bedfordshire 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](mailto:helpline@nacro.org.uk)

## **4.0 Responsibilities**

The Executive Director of Marketing, Communications & Student Recruitment has overall responsibility for this Policy. It is implemented by the Enquiries & Admissions team under the leadership of the Group Head of Customer Contact & 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/enrollee 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 Procedure 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 Group Head of Customer Contact & Admissions or Admissions Co-Ordinator 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 ONHOLD on ProSolution.
2. If the Group Head of Customer Contact & 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 Group Head of Customer Contact & Admissions to discuss the conviction.
3. Part 1 of the risk assessment form in Annex C will be completed by the Group Head of Customer Contact & Admissions who will decide whether a

- risk assessment panel meeting is required and, if so, convene a meeting. Advice may be sought from the Head of Health & Safety Corporate Compliance or Course Manager.
4. If no panel meeting is required the Group Head of Customer Contact & Admissions will let the relevant Admissions Co-ordinator 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. The application will then be withdrawn.
  6. The risk assessment panel will normally comprise of the, Group Head of Customer Contact & Admissions, Group Director of Student Services or Student Services Manager, Head of Health & Safety Corporate Compliance 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 Group Head of Customer Contact & 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 updated to a 'no offer' and this will be communicated.

### **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 Group Head of Customer Contact & 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 Group Head of Customer Contact & Admissions.
3. The Group Head of Customer Contact & Admissions will contact the apprenticeship applicant within five working days to seek further details and, if appropriate, a meeting will be arranged with the Group Head of Customer Contact & Admissions to discuss the conviction. Part 1 of the

- risk assessment form in Annex C will be completed by the Group Head of Customer Contact & Admissions who will decide whether a risk assessment panel meeting is required and, if so, convene a meeting. Advice may be sought from the Head of Health & Safety Corporate Compliance or Course Manager.
4. If no panel meeting is required, the Group Head of Customer Contact & Admissions will let the Apprenticeship Recruitment Team 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 Dynamics using the 'no response' code.
  6. The risk assessment panel will normally comprise of the Group Head of Customer Contact & Admissions, Apprenticeship Recruitment Team, Student Achievement & Wellbeing Manager, Head of Health & Safety Corporate Compliance 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 Group Head of Customer Contact & Admissions.
  8. The applicant will be notified of the decision and the decision will be returned to Apprenticeship Recruitment Team 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 '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 Co-Ordinator will refer the application to the Group Head of Customer Contact & Admissions who will contact the applicant and then complete the normal risk assessment process.

### **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 Group Head of Customer Contact & Admissions if they have an unspent criminal. If and when an enrolee makes contact with the Group Head of Customer Contact & Admissions to discuss the conviction, Part 1 of the risk assessment form in Annex C will be completed by the Group Head of Customer Contact & Admissions who will decide whether a risk assessment panel meeting is required and, if so, convene a meeting. Advice may be sought from the Head of Health & Safety Corporate Compliance 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 ProSolutions.

### **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 Group Head of Customer Contact & Admissions or the Student Services 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 Group Head of Customer Contact & Admissions.

Details on the information we collect from applicants and students can be found in our [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 [Complaints and Feedback](#)

Our Complaints 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.

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 Complaints 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:

<b>Document</b>	<b>Owner</b>
Customer Care Charter	Executive Director of Marketing & Student Recruitment
Admissions Policies	Executive Director of Marketing & Student Recruitment
Equality & Diversity Policy	Equality, Diversity and Inclusion Manager
Safeguarding Children & Vulnerable Adults Policy	Director of Student Services
Data Privacy Policy	Director of Funding, Data Returns and Policy Advice

