	Dealing with Disclosure of Unspent Criminal Convictions Policy and Procedures
Department	Safeguarding & Wellbeing
Created by/Updated by (Job Title)	Group Director of Safeguarding & Wellbeing
Date Reviewed	November 2025
Date of Next Review	November 2027
Pathway	Connect - Policies & Procedures https://college.oak.com/Home/Index/0db8b9c3-8926-4542-830f-c267937b2ba5
Equality Impact Assessment	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, ongoing police investigations or bail conditions.

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, Learning Centres, National College for Motorsport, Shuttleworth College, The Bedford Sixth Form, The Corby Sixth Form, Tresham College and Central Bedfordshire College.

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, ongoing police investigations and bail conditions. This will enable the College to make a judgement in relation to any potential risks related to their enrolment and support any reasonable adjustments.

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, ongoing police investigation or bail conditions will not necessarily bar anyone from securing a place at The Bedford College Group. 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/enrolee are minimised. Convictions, ongoing police investigations or bail conditions 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 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/enrolee 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 Group Director of Safeguarding & Wellbeing has overall responsibility for this Policy. It is implemented by the Safeguarding and Wellbeing Team.

Curriculum areas, Learning Centres, 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 Bedford College Group is required to ask for this information. A guidance sheet for applicants is attached at Annex B.
2. Explain that we need to know about unspent convictions, ongoing investigations for a criminal offence or bail conditions (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 to discuss their application on an individual basis.
5. Advise the applicant that when disclosing a conviction(s), ongoing investigation or bail conditions 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, ongoing investigation or bail conditions 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, ongoing investigation or bail conditions 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 Safeguarding & Wellbeing does not receive a reply to the automated email, the applicant will be contacted within five working days by the Advice & Admissions Team to seek further details.

3. 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. Their application will be withdrawn, using the ‘no response’ code.
4. During the meeting, part 1 of the risk assessment form in Annex C will be completed by the Group Head of Safeguarding and Wellbeing who will discuss with the Group Director of Safeguarding and Wellbeing.
5. The outcome of the review will be recorded on Part 2 of the assessment form, and a copy of form will be kept securely by the Safeguarding & Wellbeing Team.
6. The applicant will be notified of the decision via the Group Head of Customer Contact & Admissions, 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, then the application will be updated on ProSolutions 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 Apprenticeship Recruitment Team will send a communication to applicant asking them to reach out to the Group Head of Safeguarding and Wellbeing to arrange an appointment.
3. If the Group Head of Safeguarding & Wellbeing does not receive a reply to the automated email, the applicant will be contacted within five working days to seek further details.
4. During the meeting, part 1 of the risk assessment form in Annex C will be completed by the Group Head of Safeguarding and Wellbeing who will discuss with the Group Director of Safeguarding and Wellbeing.
5. The outcome of the review/discussion will be recorded on Part 2 of the assessment form, and a copy of form will be kept securely by the Safeguarding & Wellbeing Team.
6. The applicant will be notified of the decision via the Apprenticeship Recruitment Team via the CRM. If supported by the panel, the applicant will proceed to interview stage or offer stage (depending upon the apprenticeship). If the application is not supported, then the application will be updated to ‘No Offer’.

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, unless relevant to the course

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, ongoing investigations or bail convictions prior to interview or at offer stage. If an applicant makes such a disclosure, the Advice & Admission team will put the application on hold and the same process for full-time and substantive part-time courses will apply.

5.6 Enrolled students receiving a criminal conviction, or open to investigation/ has bail conditions

Where a student receives a conviction, is open to police investigation or has bail conditions once enrolled, this must be declared to the Head of School/Programme Manager. They will then notify the Group Head of Safeguarding and Wellbeing who will complete Part 1 and 2 of the risk assessment. They will discuss their findings with the Group Director of Safeguarding and Wellbeing to determine whether further risk mitigation is required. Depending on the nature of the conviction, police investigation or bail conditions, the student may be suspended pending the outcome of the review. The outcome will be provided to the Head of School/Programme Manager, who will take appropriate action as advised to support a return to learning or withdrawal from the course.

6.0 Collecting information about applicants and students

Copies of all risk assessments, whatever the outcome, will be held securely by the Group Director of Safeguarding and Wellbeing and the Group Head of Safeguarding and Wellbeing.

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 current student feels that the process has not been followed, or that 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 contact 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:

Document	**Owner**
Admissions Policies	Group Head of Customer Contact & Admissions
Equality & Diversity Policy	Group Head of Equality, Diversity, Inclusion and Belonging
Safeguarding Children & Vulnerable Adults Policy	Group Director of Safeguarding & Wellbeing
Data Privacy Policy	Director of Funding, Data Returns and Policy Advice
Complaints Policy	Group Head of Planning and Insight