

LEARNERS AND APPLICANTS WITH CRIMINAL CONVICTIONS POLICY

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Introduction

- i. This policy has been developed as part of St David's College's commitment to realise the potential of all in our community as encompassed in our mission:

'A Catholic College for the community seeking to discover and realise the full potential of all, in an atmosphere of love, service and respect inspired by Christ.'

- ii. This policy seeks to ensure that applicants and learners with unspent criminal convictions are given every opportunity to take an appropriate course at St David's, providing the College can maintain its duty to provide a safe and secure environment for all members of its community.
- iii. As a college we are committed to removing barriers to learning and will work with learners promote their inclusion in all that the college has to offer. As a Catholic College we wholeheartedly believe forgiveness is the fundamental condition of the reconciliation of the children of God with their Father and of humankind with one another.
- iv. We recognise the profound impact of trauma and adverse childhood experiences (ACEs) on individuals' wellbeing and development. We are committed to adopting a trauma-informed approach in our policies and practices to create a safe, supportive, and healing environment for all.
- v. We want to support all learners through a graduated, Trauma informed response to ensure that learners are able to progress and achieve.
- vi. The college follows the All-Wales Child Safeguarding procedures in relation to specific and identifiable issues that prevent and learners from accessing their education, or where there are safeguarding concerns.
- vii. This policy is to be read in conjunction with the following documents:
 - **Studentship Policy**
 - **All Wales Safeguarding Procedures**
 - **Safeguarding Policy**
 - **Safeguarding and Child Protection Procedures.**

- **Equality and Diversity**
- **Health and Safety Policy**
- **Admissions Policy**

Policy Scope

- i. The purpose of this policy is to ensure that applicants with unspent criminal convictions are given every opportunity to take an appropriate course at St David's College providing the College can maintain its duty to provide a safe and secure environment for all.
- ii. This policy applies to all learners who have unspent criminal convictions as defined by the Rehabilitation of Offenders Act (1974). Some professions are exempt from this Act and as a result spent and unspent convictions may impact on an individual's ability to enrol on certain courses, such as those that require a work placement.
- iii. Disclosure of unspent convictions is a condition of enrolment and learners are expected to disclose unspent convictions on an ongoing basis.
- iv. Disclosure of any bail conditions (including pre-charge bail) is also a condition of enrolment at the college and learners are expected to disclose any changes with regard to this on an ongoing basis.
- v. The College is committed to the rehabilitation of offenders and supports their right to education. The College will therefore make every effort to ensure that applicants with criminal convictions are given every opportunity to benefit from the programmes of study provided it can ensure its safeguarding commitment to the whole College.
- vi. The college reserves the right to revoke any offer for enrolment or exclude any learner with an unspent criminal conviction where the risk assessment shows the college is unable to reasonably manage the risk the learner poses to others or the colleges reputation.
- vii. Subject to entry criteria for certain professional programmes, applicants are not automatically refused access to courses for which they are academically suited on the grounds of criminal convictions, unless The College determines that their admission, enrolment or presence poses a risk to:
 - their health, safety or welfare or that of others
 - the College's property
 - the College's reputation

Handling disclosures

- i. Applicants are required to disclose a criminal conviction on the application form and enrolment form if it is unspent. Under the Rehabilitation of Offenders Act (1974) any conviction for a criminal offence can be regarded as spent provided:
 - A specified period has passed since the conviction and the applicant has not re-offended during this period. The specified time periods are documented in the supporting document outlining the Rehabilitation of Offenders Act (1974).
 - The conviction did not carry a sentence excluded from the Act, for example, a custodial sentence of more than 2 ½ years.
 - Minor motoring offences: These need not be disclosed on the College application form.
- ii. Applicants are also expected to disclose any bail conditions that have been imposed on them, in particular where would be conditions which impact on their ability to attend college with children aged 16 or over.
- iii. Although 'spent' convictions need not be disclosed on the application or enrolment form, applicants for some College courses will need to disclose all criminal convictions at the admissions interview. Applicants will be asked during the admissions process to apply for an enhanced disclosure document from the Disclosure and Barring Service (DBS).
- iv. Courses which require a work placement in areas exempted by the Rehabilitation of Offenders Act or that involve contact with young people and/or vulnerable adults or undertaking regulated activity within the meaning of the Safeguarding Vulnerable Groups Act 2006, the Police Act 1997 and the National Health Service Reform and Health Care Professions Act 2002, Financial Services and Markets Act 2000, will require all 'spent' and 'unspent' convictions to be disclosed and will also required to apply for an enhanced disclosure document from the Disclosure and Barring Service as a condition of their place on the course.
- v. Applicants for such courses must disclose all convictions, including spent convictions, cautions, including verbal cautions, reprimands, final warnings and bind-over warnings.

Risk Assessment

- i. The College will work with the Probation Service, Youth Offending Service and other appropriate partners in the community to carry out a fair and thorough risk assessment (Appendix 2) for applicants with unspent convictions.
- ii. Applicants who disclose an unspent conviction at any stage of the admissions process will be asked to complete a Criminal Record Disclosure form. (Appendix 1)
- iii. Applicants who do not respond will be sent one reminder to return the form and if they do not respond to that they will be informed in writing of the College's intention to withdraw their application.
- iv. No applicants will be enrolled in the College without returning the form and if appropriate a risk assessment.
- v. In cases where there is a failure to declare an unspent conviction which is subsequently identified, this may result in the learner being asked to leave the college.
- vi. When a risk assessment is undertaken 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
 - Whether the offence is likely to cause alarm or distress if known to other member of the college community
 - 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

Disclosure after the start of their course

- i. All learners are required to disclose any convictions and/or bail conditions imposed on them at the earliest opportunity.
- ii. Learners are also required to disclose any convictions and/or bail conditions that are imposed in the course of their study at the college.
- iii. Failure to make a disclosure would amount a case of Gross Misconduct and depending on the nature of the crime or alleged offence may result the student having to suspend their studies or withdrawing from college, pending the result of a risk assessment.
- iv. By its very nature any learner who receives a criminal conviction during the course of their studies could be asked to leave college if the college assess the risk to other learners or the college's reputation as being too high.

Confidentiality

- i. Risk assessments will be carried out in a sensitive, discreet, and confidential manner, taking into account the needs of all concerned. Sharing sensitive information will be done on a strictly 'need to know' basis.
- ii. Records will be kept securely, will only be accessed by senior College staff, and destroyed when a learner completes his/her course or leaves the College, whichever is the earliest, or at the end of the academic year that their conviction becomes spent.

Appeals

- i. The learner has a right of appeal where the decision has been made to exclude or not offer a place at the college. All appeals should be made in writing to the designated member of the senior leadership team within five working days of the decision. Their decision will be final.
- ii. The grounds for appeal are limited to raising a concern about a procedural irregularity, which would have had an impact on the decision to withdraw place at college or where there are extenuating circumstances that the college did not consider.

Appendix 1 – Criminal Record Disclosure Form

Criminal Record Disclosure Form

Learner Name	
Learner Number	

Please give details of any of the following:

Any unspent offences for which you have been convicted. (please include dates)

If completing a course which has a work placement please also include spent offences.

If you are currently on bail, awaiting trial or subject to a criminal investigation please include any details below.

If you are on probation please give us the details of your Probation Officer, Youth Offending Offer or Social Worker so we can discuss your case with them

Name	
Email Address	
Telephone number	

Declaration

I declare that everything I have documented above is to the best of my knowledge, true, accurate and up to date. I authorise St David's Catholic College to discuss my case with the person named above and make the necessary application to obtain details of criminal convictions via the disclosure and barring service.

Signed:

Date:

For more information on completing this form please visit: www.nacro.org.uk

Appendix 2 – Learner Risk Assessment

Name:	DoB:	Student ID:
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Background Information

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Threat:	Risk:
Aggravating Features:	Mitigating Features:

Risk Severity:	Risk Likelihood:	Impact Level:
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Parties Responsible:
Contact Telephone numbers:

	Acceptable	Tolerable	Undesirable	Intolerable
Improbable Risk is unlikely	LOW	MEDIUM	MEDIUM	HIGH
Possible Risk will likely occur	LOW	MEDIUM	HIGH	EXTREME
Probable Risk will Occur	MEDIUM	HIGH	HIGH	EXTREME

Risk Assessment Action Plan

Potential Problem	Risks	Measures to Reduce Risk	Date Agreed by Learner