

<b>Policy:</b>	Student and Potential Student Criminal Conviction Policy & Procedure
<b>Senior Manager Responsible:</b>	Deputy Principal Curriculum and Quality
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<b>Approved By:</b>	SLT
<b>Date Approved:</b>	8 September 2020
<b>Next Review Date:</b>	September 2021
<b>Publication:</b>	Nelson and Colne College Staff Extranet Accrington and Rossendale Staff Intranet Nelson and Colne College Group Website Nelson and Colne College Website Lancashire Adult Learning Website Accrington and Rossendale College Website Nelson and Colne College Moodle Lancashire Adult Learning Moodle
<b>Changes Made:</b>	Job titles updated to reflect college structure Senior Manager Responsible Changed Accrington and Rossendale College added into appendix 4 bullet point 4. Appendix 6 team name updated

# **Policy for Students and Potential Students with Criminal Records and Unspent Convictions**

## **1 Introduction and Aim**

- 1.1 The aim of this policy is to ensure that applicants with criminal convictions are given every opportunity to benefit from the courses the college offers, while maintaining the college's duty of care to do everything reasonable to provide a safe and secure environment for all its students, staff and visitors.
- 1.2 The procedures detailed towards the end of the policy apply to all potential and actual students.

## **2 Purpose/Objectives and Intended Outcomes**

- 2.1 Students and potential students are required and enabled to disclose criminal records in a safe and confidential way and are given the best chance of benefiting from education.
- 2.2 Students and potential students are provided with an appropriate level of support which takes into account their previous experience and difficulties.
- 2.3 College students are protected from individuals who may present a high risk of harm to others and to property.
- 2.4 The wellbeing of the college community and the effective running of the college is protected.
- 2.5 Students and potential students are not refused access to college courses which they are academically suited for on the grounds of a previous criminal record unless their presence at the college has been deemed high risk to others or to college property, or unless their criminal record significantly limits their chance of success on their course.
- 2.6 All applicants are asked to disclose unspent criminal convictions and pending prosecutions.
- 2.7 Assessment of risk is undertaken in a sensitive, discreet and confidential way, taking into account the needs of all concerned.
- 2.8 All records are kept securely and destroyed as set out in data protection guidelines.
- 2.9 The college meets all its legal obligations.
- 2.10 Students do not begin courses where a previous criminal record is likely to disbar them from some mandatory aspect of the course (e.g. mandatory work experience in Child Care or Health and Social Care courses).
- 2.11 Students are advised before undertaking a course if it is felt that a criminal record is likely to significantly impact on their chances of gaining employment in their chosen field. The choice as to whether to undertake the course though remains theirs as they may have objectives other than the gaining of employment in that particular field for doing so.
- 2.12 The college networks as appropriate with other agencies involved with the student to ensure a fair risk assessment and good support for the student if they undertake a course.
- 2.13 The college plays an appropriate part in the rehabilitation of offenders.

### **3 Legislative/Quality Framework**

- 3.1 Safeguarding Children in Education (Sept 2018)
- 3.2 Rehabilitation of Offenders Act (1974), Rehabilitation Periods (July 2018)
- 3.3 Working Together to Safeguard Children (July 2018)

### **4 Scope**

- 4.1 The Policy and procedures apply to all Nelson and Colne College/Accrington and Rossendale College students and potential students including full-time, part-time, Apprenticeships, NEET, HE, BFC, ASFC and to all Provision types for Lancashire Adult Learning.

### **5. Definitions**

You are required to declare any relevant '**unspent**' criminal convictions/cautions. Whilst some criminal convictions are '**spent**' after a certain period according to the offence, other offences are never spent and these must be declared.

### **6. Roles and Responsibilities**

- 6.1 Enrolling staff (Refer to Procedure)
- 6.2 Teaching Staff/Curriculum Leaders and Heads of Division/Department (Refer to Procedure)
- 6.3 Safeguarding Team (Refer to Procedure)
- 6.4 Designated Safeguarding Lead/Assistant Designated Safeguarding Leads (DSL) (Refer to Procedure)

### **7. Training**

- 7.1 Enrolling staff should receive updated training every 12 months on the procedure for dealing with declarations of convictions. They should be familiar with this document and the procedure for handling disclosures.

### **8. Record keeping, complaints and appeals**

- 8.1 All records will be kept in line with data protection law and GDPR.
- 8.2 An applicant who is unhappy with the outcome of this policy can appeal to the Principal. The appeal must be in writing and must be made within one week of the date on the decision letter. The Principal will respond within a further 10 working days (term-time).

### **9. Dissemination**

- 9.1 Nelson and Colne College Staff Extranet
- 9.2 Nelson and Colne College Group Website
- 9.3 Lancashire Adult Learning Website
- 9.4 Nelson and Colne College Moodle
- 9.5 Lancashire Adult Learning Moodle
- 9.6 Accrington and Rossendale College Staff Extranet
- 9.7 Accrington and Rossendale Website
- 9.8 Nelson and Colne College Website

## **10. Monitoring and Review**

- 10.1 The policy will be reviewed on an annual basis by the Deputy Principal Curriculum and Quality supported by Director of Learner Services and Safeguarding and Prevent Manager.

## **11. Related Policies and Procedures**

- 11.1 Documents related to the policy are:
- Behaviour Policies and Procedure
  - Child and Vulnerable Adult Protection and Safeguarding Policy
  - Drugs and Alcohol Policy
  - Reasonable Force Policy
  - Student Disciplinary Policy
  - Student Values

## **12. Management Responsibility**

- 12.1 The Deputy Principal Curriculum and Quality has overall management responsibility for this policy. Day to day management responsibility for this policy has been devolved to the Director of Learner Services and Safeguarding and Prevent Manager.

## **Student Criminal Conviction Procedures**

### **Nelson and Colne College and Accrington and Rossendale Application Process**

#### **13 Application Process – All courses**

- 13.1 On completion of an application form, all prospective full-time, part-time and apprentice students who declare an unspent or pending conviction will have their application placed on hold.
- 13.2 A prepopulated letter and Declaration of Convictions Form (Appendix 1) will be sent to the applicant by the applications team confirming the college acknowledges their declaration and that their application has been put on hold until further information is received and processed by the Safeguarding Team.
- 13.3 When the Safeguarding Team receive the completed Declaration of Convictions Form (Appendix 1) they will carry out an assessment and liaise with the relevant agencies if deemed necessary. The applicant may be invited to meet with the Safeguarding Team to collect further information or to clarify or confirm information.
- 13.4 If the applicant is 'Ok to proceed' the Safeguarding Team will contact MIS via email and confirm that they can continue with the application.
- 13.5 The Safeguarding and Prevent Manager will inform any teaching staff who need to know if a student is admitted to the course with conditions for managing risk or particular support needs. Otherwise information of the student's conviction is not passed on.
- 13.6 Where an applicant is deemed high risk and not suitable for this provision they will be informed of this decision via phone by the Safeguarding Team, who will at this point discuss alternative venues and signpost where applicable.

#### **14 Enrolment Process – All Courses**

- 14.1 All prospective students are asked on the enrolment form if they have any unspent criminal convictions or pending prosecutions.
- 14.2 Those answering 'yes' are asked to complete a supplementary form – Declaration of Convictions Form (Appendix 1) giving details. Where the course applied for involves working with children or vulnerable adults these should include 'spent' convictions.
- 14.3 The form is passed to the Safeguarding Team who may get advice and information from other agencies involved with the applicant, or arrange for the student to be interviewed to collect further information or to clarify or confirm information.
- 14.4 The risk assessment will be recorded on the Convictions Risk Assessment Form (Appendix 2) and the applicant informed of the outcome by the Safeguarding Team.
- 14.5 The Safeguarding Team will inform any teaching staff who need to know if a student is admitted to the course with conditions for managing risk or particular support needs. Otherwise information of the student's conviction is not passed on.
- 14.6 All forms are kept securely and in line with data protection law and GDPR.

#### **15. Risk Assessments**

- 15.1 On receipt of the Declaration of Convictions Form, the Safeguarding Team with direction from the Safeguarding and Prevent Manager will determine whether the information provided gives sufficient rise to any concern that the individual poses a potential risk.

- 15.2 In carrying out a risk assessment the Safeguarding Team will complete a Convictions Risk Assessment Form (Appendix 2) and may consider as appropriate in the circumstances of the case one or more of the following aspects (this is not an exhaustive list):
- the nature and circumstances of the offence
  - the date of the commission of the offence
  - the age and circumstances of the individual at the time of the commission of the offence
  - the penalty imposed for the offence
  - the country in which the offence was committed
  - whether the offence was a one-off or a repeat offence
  - the particular environment(s) that the individual would be placed in if s/he were to take up a place on a course
  - If an individual refuses to disclose further information when requested and/or refuses to consent to the College contacting a third party for information, the College may come to a decision based on the information currently provided.
- 15.3 The Safeguarding Team may seek to involve relevant third parties e.g. YOT worker or Probation Officer to obtain further information and/or references.
- 15.4 If the Safeguarding and Prevent Manager (DSL) / Director of Learner Services (DSL) determines there is a specific concern or high risk, this will be referred to the College Senior Designated Safeguarding Lead for a decision.

## **Lancashire Adult Learning Process**

### **16 Enrolment Process – All Courses**

- 16.1 All prospective students are asked on the enrolment form if they have any unspent criminal convictions or pending prosecutions and where the course applied for involves working with children or vulnerable adults these should include 'spent' convictions.
- 16.2 Those answering 'yes' (to 7.1) are requested by the enrolling member of staff to complete the Declaration of Convictions Form (Appendix 1). The prospective learner should be informed to submit as much detail as is possible with particular reference to the specific named conviction/s, the sentence and details about the offence. Once a copy of the Declaration of Convictions Form has been completed the enrolling member of staff will seek timely advice from the Safeguarding Team and arrange for a copy of the disclosure form to be sent to them.
- 16.3 Where appropriate and deemed fit the Safeguarding Team may arrange to meet with the learner to ascertain more information and/or carry out a risk assessment. Where this is not appropriate the advice given will be 'ok to proceed'.
- 16.4 Where the Safeguarding Team deem fit a Convictions Risk Assessment (Appendix 2) will be carried out following consultation with other internal teams or external agencies. The team will seek external agency support to determine if the individual will pose a high, medium or low risk. If medium or low risk, the student is invited to enroll with conditions (medium risk) or without conditions (low risk).
- 16.5 In carrying out a risk assessment the Safeguarding Team will consider the following:
- the nature and circumstances of the offence
  - the date of the commission of the offence
  - the age and circumstances of the individual at the time of the commission of the offence
  - the penalty imposed for the offence
  - the country in which the offence was committed
  - whether the offence was a one-off or a repeat offence

- the particular environment(s) that the individual would be placed in if s/he were to take up a place on a course – such as the venue and other users of the venue
- If an individual refuses to disclose further information when requested and/or refuses to consent to the College contacting a third party for information, the College may come to a decision based on the information currently provided.

- 16.6 If high risk, the completed Declaration of Convictions Form (Appendix 1), Convictions Risk Assessment (Appendix 2) and third party information are passed to the Safeguarding and Prevent Manager or the Director of Learner Services who will assess all the presenting information and if necessary contact Probation/Prison Service for further detail. The Director of Learner Services holds the final decision on whether the prospective learner can enroll.
- 16.7 The applicant will be informed of the result by the Safeguarding Team. The applicant must agree to any conditions attached to the enrolment.
- 16.8 The Safeguarding Team will inform any teaching staff and other relevant colleagues who need to know if a student is admitted to a course with conditions for managing risk or particular support needs. Otherwise information of the student's conviction is not passed on.
- 16.9 All forms are kept securely and in line with data protection law and GDPR.

## **17 Enrolment Process – For Targeted/Mandated, ‘Bridging the Gap’, Offender related**

- 17.1 All prospective students are asked on the enrolment form if they have any unspent criminal convictions or pending prosecutions. Due to the nature of these courses this will apply to the majority of students.
- 17.2 The teacher is responsible for asking students to complete the Declaration of Convictions Form (Appendix 1) and for completing the resulting Group Risk Assessment (Appendix 3). Considerations based on the location of the course must be highlighted in the risk assessment.
- 17.3 The teacher is responsible for ensuring copies of all completed forms and risk assessments are given to the Safeguarding Team.
- 17.4 It is the teacher's responsibility to highlight at the earliest opportunity medium and high-risk learners and to the Safeguarding Team and to ascertain approval or 'Ok to Proceed' for a whole group or for individual learners. Where a teacher is uncertain of the risk level they must consult with the Safeguarding Team.
- 17.5 All forms are kept securely and in line with data protection law and GDPR.

## **Enrolment Process – Unknown learners, Less than one day, LAL Only, Community Venue only .**

All prospective students are asked at the start of the session to complete the LAL Enrolment Form and Learner Agreement. For learners on courses who are unknown and no prior information is available they must complete the criminal conviction section with specific attention to the question 'Do you have any criminal conviction or bail conditions placed on you which means you should not be in this group today'. This question must only be completed where the learners are unknown\* (\*no application/enrolment or previous learner information available, they are at a community venue and the course is less than one day).

The teacher is responsible for checking the completed enrolment forms at the beginning of the session and facilitating those learners answering yes to the question to leave the premises. The teacher must ensure that this is handled in a manner to mitigate risk, ensuring that they utilise other professionals at the venue to support where possible. Please contact the safeguarding team if you require support in this instance.

## **18 Guidance for Staff (All Staff)**

- 18.1 The question asking whether the student has an unspent conviction has the potential to be difficult. Staff should be aware that the process for dealing with this issue is intended to remove or reduce this awkwardness or even student hostility and avoid staff being put in a compromised or vulnerable position.
- 18.2 Enrolling staff should receive updated training every 12 months on the procedure for dealing with declarations of convictions. They should be familiar with this document and the procedure for handling disclosures.
- 18.3 When responding to any initial enquiry on this matter staff should explain briefly the reasons why the college is legally required to ask the question and be aware of the following:
- The college has a general Duty of Care to all its users (students, staff and visitors) to ensure their safety and wellbeing. It also has a Duty to Safeguard and protect any of its users who are under the age of 18, in particular any under 16 and vulnerable adults.
  - In order to meet these responsibilities, it is necessary to require all students to declare any relevant convictions to enable the college to make a judgement on any potential risks posed by their enrolment on a course.
  - We therefore need to ask everyone enrolling on a course at Nelson and Colne College/Accrington and Rossendale College/Lancashire Adult Learning to declare if they have any unspent convictions or pending prosecutions.
  - Convictions which are considered relevant are those for: Offences against the person whether of a violent or sexual nature, Offences involving the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
  - Convictions which are spent are not considered to be relevant and are not required to be declared, unless they are applying for certain courses which require an Enhanced DBS Check e.g. Health and Social Care, Child Care.
  - Students who answer 'Yes' to any of the questions on the 'Declaration of Convictions' form, disregarding the question about Learning Difficulties/Disabilities, may have a relevant conviction.
- 18.4 Staff should always be reassuring and avoid any response which may sound judgmental. The student should be reassured of the college's commitment to confidentiality.
- 18.5 Staff should explain that having a criminal record will not necessarily bar anyone from a place on a college course. This will depend on the nature of the course and the circumstances and background of the offences. The student's place on the course will be held until a decision is made by the Safeguarding Team, or their approved representative.

## **19. Courses with Mandatory DBS Checks (All Staff)**

- 19.1 All student DBS checks will be completed with the assistance of the Placement Officer.
- 19.2 Students who are concerned that a conviction may prevent them from gaining a place on their chosen course and/or career should be encouraged to apply for their DBS checks as early as possible. If this is at the application stage, the cost of the application will be met by the student.
- 19.3 For courses with mandatory elements which require students to have DBS (Disclosure and Barring Service) checks, the interviewing tutor will outline the importance of this and the consequences of not disclosing any record, caution, reprimand or final warning no matter how minor, at the application stage.
- 19.4 If a student declares a criminal record which is likely to cause the student to be unable to



complete some mandatory element of the course, a place cannot be offered. The interviewing tutor should refer to the Safeguarding and Prevent Manager for advice if they are unsure. The student should be directed to 'Information Advice and Guidance' for alternative options.

- 19.5 If a student declares an interest in working in a career area where a DBS check may be required e.g. police/law enforcement, health, teaching, working with children/vulnerable adults, the interviewing tutor should ask whether the student has any criminal convictions or pending prosecutions.
- 19.6 Where a criminal record is revealed which does not impact on the applicant's ability to complete the course, but which might affect their chances of gaining employment in the vocational area, this should be discussed with them and a record of the discussion made on Pro-Monitor and the Criminal Convictions Disclosure Form (Appendix 1). It should also be pointed out where relevant that universities might refuse places on these grounds. A place can still be offered on the course if the student understands the implications and still has valid reasons for doing the course (e.g. it represents a good general grounding for a number of career options or for admission to a range of university courses). The interviewing tutor should refer to the Safeguarding and Prevent Manager for advice if they are unsure. The student should be directed to 'Information Advice and Guidance' for advice on alternative options.
- 19.7 Some HE courses require an enhanced disclosure of spent convictions and have a condition that students keep a clean DBS throughout; expulsion mid-study can be enforced if a conviction is gained. These courses require immediate disclosure of impending proceedings and annual student declarations that criminal conviction records are clean; please refer to the Safeguarding Team for support.

## **20 Issues on Course (All Staff)**

- 20.1 Where it is revealed during a course that a student has not disclosed a criminal record, the Safeguarding Team will, in consultation with the Senior Designated Safeguarding Lead, consider any appropriate disciplinary action, dependent on the severity and impact of the disclosure.
- 20.2 Where a criminal prosecution or conviction occurs during the course, the Senior Designated Safeguarding Lead will make a judgement on appropriate action.
- 20.3 Personal tutors/teachers will be alerted to any particular support needs of students resulting from their criminal convictions. Further support will be offered through liaising with the wider Safeguarding Team / Additional Learning Support Team to ensure that support needs are met where practical.

## **21 Appendices**

- Appendix 1 – Declaration of Convictions Form
- Appendix 2 – Convictions Risk Assessment
- Appendix 3 – Group Risk Assessment
- Appendix 4 – Guidance for Staff
- Appendix 5 – Rehabilitation Period Guidance
- Appendix 6 – Criminal Conviction Flow Chart

# Appendices

**Appendix 1**

**Declaration of Criminal Convictions Form**

**Guidance Notes for Students**

Having a criminal record or a pending prosecution will not necessarily prevent you from a place at Nelson and Colne College, Accrington and Rossendale College or Lancashire Adult Learning. This will depend on the nature of the course and the circumstances and background of any offences. If you fail to disclose any relevant information then your offer of a place or enrolment on the course may be withdrawn.

Following completion of this declaration, discussion where appropriate may be needed with the Safeguarding Team.

**Declaring Criminal Convictions and Pending Convictions**

Nelson and Colne College/Accrington and Rossendale College/Lancashire Adult Learning has a Duty of Care to all its users (learners, staff and visitors) to ensure their safety and wellbeing. It also has a duty to safeguard and protect any of its users who are under the age of 18, and in particular any under 16. In order to meet these responsibilities it is necessary to require all learners to declare any convictions or pending prosecutions to enable Nelson and Colne College/Accrington and Rossendale College/Lancashire Adult Learning to make a judgement on any potential risks posed by their enrolment on a course.

Spent Convictions are not considered to be relevant and you are not required to reveal them unless you are hoping to join a course where you may come into contact with children or vulnerable adults.

**When is a Conviction considered Spent?**

The Rehabilitation of Offenders Act 1974 enables criminal convictions to be 'spent' after a rehabilitation period. Rehabilitation periods vary dependent on the conviction and sentence given. If you are not sure whether your conviction is spent and should be declared, you should get advice from the appropriate agency e.g. Probation Service, NACRO (National Association for the Care and Resettlement of Offenders) or visit the online calculator [www.disclosurecalculator.org.uk](http://www.disclosurecalculator.org.uk) or [www.unlock.org.uk](http://www.unlock.org.uk) for up-to-date advice.

**PRIVATE AND CONFIDENTIAL Please tick:** Nelson and Colne College   
 Accrington and Rossendale College  Lancashire Adult Learning

<b>Name:</b>	<b>DoB:</b>
<b>Address:</b>	<b>Contact numbers:</b>
<b>Course Applied for:</b>	<b>Home</b>
	<b>Mobile</b>

The college needs as much information as possible for it to undertake an accurate risk assessment. We appreciate the need for Data Protection and ask that you ensure you have informed consent to share data or are making sure you are sharing this information legally.

<b>Offence/s:</b>	<b>Date of Conviction:</b>	<b>Penalty / Nature of Sentence:</b>

**Please give further detail about your conviction/s including information on your circumstances at the time:**

Are you currently on a:	Tagging Order	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Home detention curfew	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Sex Offenders Register	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any history of the following:	Arson	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Violence against a person	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Offences against children/vulnerable adults	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Drug supply/dealing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you currently:	Under bail conditions	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Pending a court hearing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have a Learning Difficulty/Disability?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please give details:			

It may be useful for Nelson and Colne College/Accrington and Rossendale College/Lancashire Adult Learning staff to talk to other professionals who have been, or are currently, involved in helping you with the issues connected to your conviction(s). Sharing information with other professionals involved in your case will enable us to develop a clearer picture of your situation and needs. By working together we can plan appropriate courses of action. For example it can be useful to contact probation officers/social workers to gain a reference for you, or more details about the circumstances of your conviction or treatment. Similarly, they may wish to find out if you have been offered a place on a course.

Please give details of your Key worker / Probation Officer (please circle) and other support workers (if appropriate):

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

**Applicant Declaration**

I have read, or listened to, the information provided on this form and understand that the College needs this information to ensure I am provided with the appropriate information, advice and guidance. I confirm that I give my consent to Lancashire Adult Learning/Nelson and Colne College/Accrington and Rossendale College to use this information to risk assess my application. I accept that as a result of the discussions of the Risk Assessment Panel my application or enrolment may be terminated and I will be withdrawn from any course(s) that I have joined. I understand that I must inform the College if I later become involved in any further criminal investigations that have not been declared above. I understand that if I am found not to have revealed a Caution, Criminal Conviction, Reprimand or Final Warning my application or enrolment will be terminated immediately. I understand that this information will be stored and managed under the Data Protection Act 1998 and in line with GDPR.

Name (please print): \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**STRICTLY CONFIDENTIAL****RISK ASSESSMENT****Disclosure of Cautions, Criminal Convictions, Reprimands or Final Warning**

Risk assessment to be completed by the Safeguarding Team.

What was the offence?	<b>High</b> Murder, manslaughter, rape, sexual offences, GBH, other serious acts of violence, Class A drugs related <input type="checkbox"/>	<b>Medium</b> Robbery, burglary, theft, Deception, fraud, drunk and disorderly, criminal damage, other drugs related <input type="checkbox"/>	<b>Low</b> Drink driving offences, vandalism <input type="checkbox"/>
What was the sentence?	<b>High</b> Custodial <input type="checkbox"/>	<b>Medium</b> Suspended, community, conditional discharge <input type="checkbox"/>	<b>Low</b> Warning, final warning, caution, reprimand, fine, absolute discharge <input type="checkbox"/>
When was the offence committed?	<b>High</b> > 3 years <input type="checkbox"/>	<b>Medium</b> > 3 years, < 10 years <input type="checkbox"/>	<b>Low</b> 10 years + <input type="checkbox"/>
Is there a pattern of specific offences?	<b>High</b> Yes <input type="checkbox"/>	<b>Medium</b> Some <input type="checkbox"/>	<b>Low</b> No <input type="checkbox"/>
Is the type of course a factor? This may depend on offence committed and any risks associated with particular courses	<b>High</b> Course content / delivery methods / other factor likely to be unsuitable <input type="checkbox"/>	<b>Medium</b> Course content / delivery methods / other factor may be unsuitable <input type="checkbox"/>	<b>Low</b> No concerns <input type="checkbox"/>
Will the location of the course be a factor? This may depend on offence committed and the potential impact of contact with other learners	<b>High</b> Campus with 16-18 learners / Vulnerable adults (Including NCC Main site and ARC Main site) <input type="checkbox"/>	<b>Medium</b> All locations with adult learners / NCC/ARC main campus with adult learners <input type="checkbox"/>	<b>Low</b> Course location not a significant factor <input type="checkbox"/>

Have the police, probation service, YOT or other agency been contacted?	<b>High</b> Contact made and serious reservations expressed or declared unsuitable <input type="checkbox"/>	<b>Medium</b> Contact made and some reservations shared <input type="checkbox"/>	<b>Low</b> Contact made and no reservations <input type="checkbox"/>
Other factors Please document here any other relevant factors that need to be taken into account and your assessment of the risk level	<b>High</b> <input type="checkbox"/>	<b>Medium</b> <input type="checkbox"/>	<b>Low</b> <input type="checkbox"/>
Outcome of risk assessment	<b>High total</b>	<b>Medium total</b>	<b>Low total</b>

Section six	Outcomes	Details	Actions
Unconditional enrolment (Green)		Provide details below	Inform learner actions
Conditional enrolment (Amber)		Provide details below	Inform learner actions
Application rejected (Red)		Provide details below	Inform learner actions
Application deferred pending further info		Provide details below	Inform learner actions
Application deferred – alternative course		Provide details below	Inform learner actions
Application deferred – other reason		Provide details below	Inform learner actions

Section seven	Further details

Section eight	Future actions	By who	By when

Section nine	Authorisations	
Panel member	Signature _____	Date _____
	Signature _____	Date _____
	Signature (VP) _____	Date _____

**GROUP CONVICTION RISK ASSESSMENT**

**This form should be completed in conjunction with the Declaration of Convictions Form.**

<b>Teacher Name:</b>		<b>Teacher Signature:</b>		<b>Number in group:</b>	
<b>Course:</b>		<b>Venue:</b>		<b>Date:</b>	
<b>ISSUES TO BE CONSIDERED</b>			<b>COMMENTS</b>		
Are there 'high risk' offenders in the group? Give details. i.e. Sex Offenders      YES/NO    Number _____ Violent Offenders   YES/NO    Number _____ Hate Crime Offenders YES/NO    Number _____ Terrorist Offenders   YES/NO    Number _____					
Who may be at risk? Please comment.  Young people/children <input type="checkbox"/> Vulnerable adults <input type="checkbox"/> General Public <input type="checkbox"/> Staff <input type="checkbox"/> Other <input type="checkbox"/>					
Are there any offender conditions that may affect any learners attending the venue for the course?  If yes, what needs to be taken into account?					
What other conditions need to be in place to ensure other learners, staff remain safe?					
Are other safeguards in place to minimize risk against offending while in the learning environment?  i.e. reviews, partnerships with other agencies.					
Contact details for other agencies i.e. Job Centre contact.					
Other measures taken to ensure safety of all concerned:					
<b>Review:</b>					
<b>Date</b>	<b>Changes</b>		<b>Comments</b>		<b>Initials</b>

Teacher to retain a copy and send a copy, when completed and after reviews, to the Safeguarding Team:  
[staysafe@nelson.ac.uk](mailto:staysafe@nelson.ac.uk)



## Appendix 4

### Guidance for Staff (NCC/ARC/LAL)

The question asking whether the student has an unspent conviction has the potential to be difficult. Staff should be aware that the process for dealing with this issue is intended to remove or reduce this awkwardness or even student hostility and avoid staff being put in a compromised or vulnerable position.

Enrolling staff should receive updated training every 12 months on the procedure for dealing with declarations of convictions. They should be familiar with the Criminal Conviction Policy and the procedure for handling disclosures.

When requesting this information on this matter staff should explain briefly the reasons why the college is legally required to ask the question and be aware of the following:

- The college has a general Duty of Care to all its users (students, staff and visitors) to ensure their safety and wellbeing. It also has a Duty to Safeguard and protect any of its users who are under the age of 18, in particular any under 16 and vulnerable adults.
- In order to meet these responsibilities it is necessary to require all students to declare any relevant convictions to enable the college to make a judgement on any potential risks posed by their enrolment on a course.
- It is the responsibility of every member of enrolling/teaching staff to ensure there is opportunity to disclose this information and to seek support from the Safeguarding Team if they are unsure of the procedure.
- We therefore need to ask everyone enrolling on a course at Nelson and Colne College/ Accrington and Rossendale College/ Lancashire Adult Learning to declare if they have any unspent convictions or pending prosecutions.
- Convictions which are considered relevant are those for:  
Offences against the person whether of a violent or sexual nature, Offences involving the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
- Convictions which are spent are not considered to be relevant and are not required to be declared, unless they are applying for certain courses which require an Enhanced DBS Check e.g. Health and Social Care, Child Care.
- Students who answer 'Yes' to any of the questions on the Declaration of Convictions Form, disregarding the question about Learning Difficulties/Disabilities, may have a relevant conviction.

Staff should always be reassuring and avoid any response which may sound judgmental. The student should be reassured of the college's commitment to confidentiality.

Staff should explain that having a criminal record will not necessarily bar anyone from a place on a college course. This will depend on the nature of the course and the circumstances and background of the offences. The student's place on the course will be held until a decision is made by the Safeguarding Team, or their approved representative.

**Appendix 5**

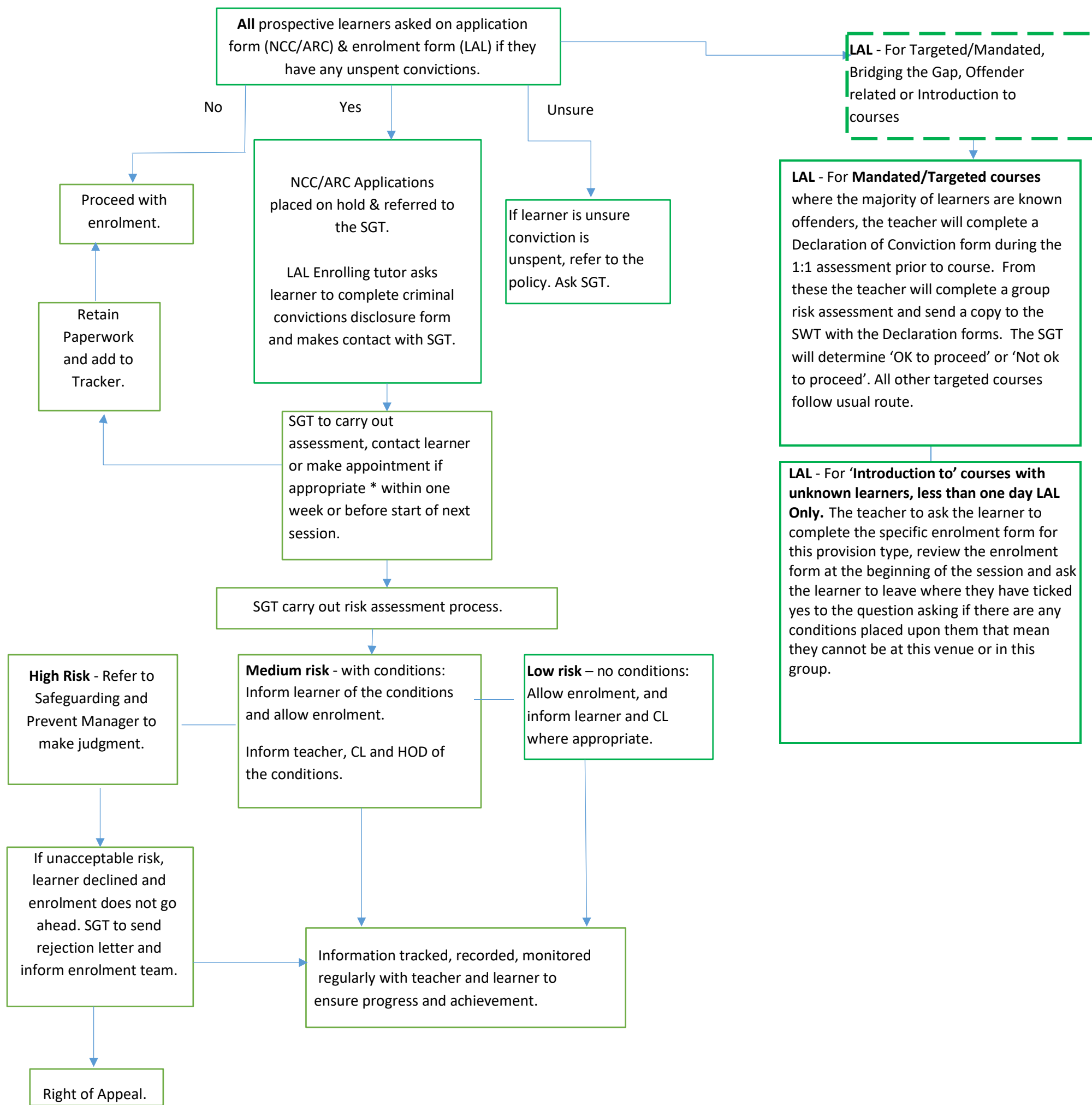
**Rehabilitation Period Guidance**

The following is given as information, if a learner or potential learner needs to determine if their conviction/s are spent then they will need to contact an agency such as Nacro who will give them advice and guidance. You should not be advising learners regarding their convictions please refer them to the relevant agencies.

<b>Sentence/disposal</b>	<b>Rehabilitation period</b>	<b>Rehabilitation period (under 18)</b>
Sentence/disposal	Rehabilitation period	Rehabilitation period (under 18)
A sentence of imprisonment or youth custody or corrective training for a term exceeding 6 months but not exceeding 30 months	10 years	5 years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service	10 years	5 years
A sentence of imprisonment or youth custody for a term not exceeding 6 months	7 years	3½ years
A sentence of dismissal from Her Majesty's service	7 years	3½ years
Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence in respect of a conviction in service disciplinary proceedings	5 years	2½ years
Fine	5 years	2½ years
Absolute Discharge	6 months	6 months
Conditional discharge	1 year or date of order (whichever is longest)	1 year or date of order (whichever is longest)
Community Order/Service Community Order	5 years	2½ years
Referral Order		Length of order
An Order extending period for which a youth offender contract has effect		Length of order
An Order under section 1(2A) of the Street Offences Act 1959	6 months	6 months
A variety of Order imposed on those mainly under 18		1 year from date of conviction or length of Order (whichever is longest)
An Order for custody in a remand home, approved school Order, Attendance centre Order, A secure Training Order		Length of Order plus 1 year
Detention & Training Orders		Length of Order plus 1 year or 5 years from date of conviction, depending on age of offender
Hospital Order	5 years or length of Order plus 2 years (whichever is longest)	5 years or length of Order plus 2 years (whichever is longest)
Relevant Order	Length of the order	Length of the order

### Appendix 6 Criminal Convictions Flow Chart

All NCC, ARC and LAL Courses



**Notes:**

- SGT = Safeguarding Team
- MIS report to be generated daily to ensure capture of all learners.
- If convictions are disclosed at NCC/ARC Enrolment, process to be repeated.

\*Applies to LAL