

Policy Document: Screening of Applicants and Learners who are Ex-Offenders

1) Scope and Purpose of Policy

The purpose of this policy is to:

- a) Ensure that applicants with unspent criminal convictions are given every opportunity to take an appropriate course at Cardiff and Vale College providing the College can maintain its duty to provide a safe and secure environment for its learners, staff and visitors.

This policy applies to:

- b) All full-time and part-time applicants 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.**
- c) Disclosure of unspent convictions is a condition of enrolment and re-enrolment and learners will be required to disclose unspent convictions on an ongoing basis.
- d) **Confidentiality and Data Protection:** 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. 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.

2) Policy Statements

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.

Revision No:	3
Last Revision Date:	15/4/16
Next Revision Date:	20/6/17

- a) **Disclosure of convictions on the application form and enrolment form:** Applicants are only 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) **(Appendix 1)**.
 - The conviction did not carry a sentence excluded from the Act, for example, a custodial sentence of more than 2 ½ years.
- b) **Minor motoring offences:** These need not be disclosed on the College application form and enrolment form.
- c) **Risk Assessment Procedure and Guidelines:** 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 for applicants with unspent convictions **(Appendices 3-5)**.
- Applicants who disclose an unspent conviction at any stage of the admissions process will be sent a Criminal Record Disclosure form with a covering letter **(Appendix 2)**.
 - 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.
 - Applicants who declare an unspent conviction at the enrolment stage will be enrolled on a temporary basis and they will be contacted by Student Services to request that they complete a Criminal Record Disclosure Form prior to them attending their first lecture at College.
 - Failure to complete this process will result in the student being asked to leave the college.

Revision No:	3
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Full details of the risk assessment interview procedure and documentation are available in the guidelines entitled "Guidelines for Risk Assessing Ex-Offenders (**Appendix 5**).

d) Disclosure of Convictions at Admissions Interview and DBS checks

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) at their own cost.

This will be required for courses:

- Which lead to professions exempted by the Rehabilitation of Offenders Act, for example; teaching, Social Work, Police Service, Probation Service and the Legal Profession.
- That involve contact with young people and/or vulnerable adults.

Applicants for such courses **must disclose all convictions**, including spent convictions, cautions, including verbal cautions, reprimands, final warnings and bind-over warnings. Failure to disclose these convictions at the admissions stage may result in their application being refused at a later date.

e) Disclosure after the start of the course

We advise all applicants to disclose convictions prior to enrolment as described above to enable us to complete any risk assessment before the start of the course. If a student discloses after the start of the course, we will follow the procedures as described above. Depending on the nature of the crime, we may require the student to suspend their studies for a short time while the risk assessment is completed.

f) Professional and unbiased careers guidance

In line with the College's commitment to excellence in Careers Education and Guidance, applicants who disclose criminal convictions will be made aware of the likely impact of these on a chosen career path. However, applicants judged not to

Revision No:	2
Last Revision Date:	15/4/16
Next Revision Date:	20/6/17

be a risk to the College community, may still undertake that programme of study if they have objectives other than seeking employment in that particular profession.

g) Support needs of ex-offenders

The College strives to provide a range of specialist support services for its learners and views the risk assessment process as an essential stage in assessing the range of needs that ex-offenders may have. The risk assessment interview therefore provides an excellent opportunity to arrange any necessary support at the outset to give applicants the best possible chance of success on their chosen course.

3) Equality and Diversity Statement

Cardiff and Vale College actively promotes equality of opportunity and welcomes applications from a diverse range of individuals including those with criminal convictions. Applicants are selected for courses based on their skills, qualifications and experience and not on their background or personal circumstances.

Having a criminal conviction will not prevent an individual from studying at College, provided they do not pose a risk to the College community.

4) Health and Safety Implications

There are significant health and safety implications for this Policy and the College reserves the right to include the Health and Safety Manager on the risk assessment panels for those who disclose unspent convictions.

In accordance with College procedures, an Equality Impact Assessment is due to be completed for this policy.

5) Linked Policies

- Admissions
- Equal Opportunities and Diversity
- Safeguarding
- Fit to Study
- Learner Relationship Management
- Progressions
- Health & Safety

Revision No:	2
Last Revision Date:	15/4/16
Next Revision Date:	20/6/17

6) Linked Procedures

- Guidelines for Risk Assessing Ex-Offenders
- Admissions

7) Policy Appendices

Appendix 1 – Rehabilitation of Offenders Act 1974

Appendix 2 - Criminal Record Disclosure Form

Appendix 3 - Risk Assessment Form (for applicants who have disclosed a criminal conviction)

Appendix 4 - Ex-offender's Review Form

Appendix 5 - Guidelines for Screening Ex-Offenders

Location and Access to the Policy

This is available from the website/ staff intranet/ Moodle and may be out of date if printed.

Date approved: 6 July 2011

Responsible Manager: Dean of Quality Improvement

Approved by: Curriculum, Quality & Student Affairs Committee

Executive Lead: Vice Principal for Curriculum & Standards SJ

Review date: June 2017

Accessible to Students: Yes

Revision No:	2
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