

Procedure for Students and Potential Students with Criminal Records

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Originator:	Designated Safeguarding Lead
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Revision History

Version	Purpose/Change	Date
5.0	Review of policy. Addition of 3.2. Declaration for students applying through UCAS.	November 2021
5.1.	3.1. Amended to ask for relevant convictions only. Applicants are directed to the Rehabilitation of Offenders Act 1974. 3.2. Clarity provided about declarations for applicants via UCAS. 5. Information added about students needing to disclose a criminal prosecution or conviction during their studies.	September 2022

Please contact HEoffice@liv-coll.ac.uk or the College Reception if you would like this document in an alternative form.

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This policy is written in line with the Expectations and Core practices of the UK Quality Code for Higher Education (Quality Code), which are a key reference point for higher education providers in all parts of the UK.

This Policy relates to three separate but interconnected areas, admissions, recruitment and widening Access, which are of interest to prospective students, enrolled students and their supporters (such as relatives or educators). It recognises that different learner journeys result in multiple and varied pathways to enrolment. The manner or order with which the prospective student and the provider connects with enrolment will not necessarily be uniform.

1. PURPOSE

- 1.1. To ensure that all students and potential students are screened for criminal convictions and that any disclosures are dealt with securely, consistently, and fairly.

2. SCOPE

- 2.1. This procedure applies to all potential and actual students.

3. APPLICATIONS - GENERAL

- 3.1. All applicants to full-time and part-time courses are asked on the application form if they have relevant spent and unspent criminal convictions or pending court cases for sexual or violent crimes, or those involving drug dealing. Applicants can find more information about whether a conviction should be declared through the following government guidance: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf
- 3.2. The College will request all applicants for full-time courses who apply via UCAS to declare relevant spent and unspent criminal convictions or pending court cases. This information is not requested by UCAS but the College will request this declaration following receipt of the application.
- 3.3. Applicants who declare a relevant conviction are asked to complete a supplementary form giving details of all relevant spent and unspent convictions in relation to the following offences: sexual, violent and/or drug dealing.
- 3.4. The completed Criminal Conviction form should be screened by the Safeguarding Officer who will make an initial assessment of whether the record is relevant or not. If deemed not relevant, the application form should be released for further processing.
- 3.5. Where the criminal record is considered relevant (including all offences against the person - physical or sexual, or drug dealing) the applicant should be referred to the Safeguarding Officer who may need to gather information and seek advice from other agencies involved with the applicant, before arranging for the student to be interviewed and risk assessed. The final decision to proceed with enrolment will be made by the Designated Safeguarding Lead.
- 3.6. If an application is approved, subject to certain conditions, the decision should be agreed with the relevant Head of School.
- 3.7. The risk assessment will be recorded and the applicant informed of the outcome.
- 3.8. The relevant Head or School will inform any staff who need to know if a student is admitted to the course with conditions for managing risk or particular support needs.
- 3.9. If the outcome deems that the learner is unsuitable for the College at this time the Admissions Team will be informed of the decision and the application will be withdrawn. A note will be added to Pro-Solution if appropriate.
- 3.10. All completed forms and risk assessments (signed) should be scanned and stored in the secure Safeguarding folder on the College SharePoint.

4. COURSE SPECIFIC CRIMINAL RECORD ISSUES

- 4.1. On certain courses criminal records can be a bar to successful completion of the course or to gaining employment in the vocational area. These issues should be addressed at the interview stage.
- 4.2. 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.

- 4.3. Applicants for these courses should be encouraged to apply for their checks as early as possible.
- 4.4. If a serious issue arises that results in a dismissal the relevant Head of School will pass this information to the Designated Safeguarding Lead as well as contacting external parties in line with relevant duties and responsibilities.
- 4.5. If a student declares a criminal record or a DBS check reveals 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 student should be directed to the Safeguarding Officer who will liaise with careers for advice on other options.
- 4.6. 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 kept on their file. 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 tutor is clear that 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 progression options).

5. ISSUES ON COURSE

- 5.1. Where it is revealed during a course that a student has not disclosed a criminal record, the Designated Safeguarding Lead and the relevant Head of School will consider appropriate disciplinary action, depending on the severity and impact of the disclosure.
- 5.2. Where a criminal prosecution or conviction occurs during the course, a risk assessment will be undertaken by the Safeguarding Officer and appropriate action will be taken.
- 5.3. Students will be informed at induction of the necessity of disclosing a relevant criminal prosecution or conviction that occurs during their course.
- 5.4. When a relevant criminal prosecution or conviction occurs during a student's course, the student must inform the Safeguarding Team by contacting: safeguarding@liv-coll.ac.uk
- 5.5. Any particular support needs of students resulting from their criminal record will be monitored by the personal tutors to ensure that these are met where practical.
- 5.6. Students should be made aware on relevant courses of the impact Disqualification through Association (Feb 2015) may have on future employment.

6. RIGHT OF APPEAL

- 6.1. An applicant who is unhappy with the outcome of this procedure can appeal to the Designated Safeguarding Lead. The appeal must be in writing and must be made within two weeks of the decision made on the application. The appeal will be responded within a further two weeks. The decision of the Designated Safeguarding Lead will be final.

7. KEY STAKEHOLDERS

- College students
- Potential students
- College staff
- Governors
- Funding and inspection bodies
- Criminal justice professionals
- Professional, statutory and regulatory bodies (PSRBs)

8. RELATED DOCUMENTS

- HE Admissions Policy

- HE Fitness to Practise Policy
- Applicants can find more information about whether a conviction should be declared through the following government guidance:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf

Appendix 1: CRIMINAL RECORD INFORMATION FORM

Name _____ DoB _____

Course(s) applied for _____

You have indicated on your application that you have, or have pending, a criminal conviction related to a sexual or violent offence, or one involving drug dealing. Is this correct? (please circle)	YES	Please enter details and sign below
	NO	Please sign below

We wish to provide every opportunity for you to access an appropriate course at the College, but we have to balance this with our legal duty to provide a safe, secure environment for all staff, students and visitors, which is why we need to make this assessment.

This information will be looked at by the Safeguarding Officer in the first instance to decide if your criminal record is relevant to your course and to you being at the College. If it is not considered relevant then there will be no further action and you will be informed you may continue with your application.

If it is considered relevant, you will be contacted for risk assessment, which will result in one of the following outcomes:

- We are able to continue with your application
- We are able to continue with your application as long as you agree to certain conditions and/or support
- We are not able to offer you a place at this time

Please note that the details requested are necessary for us to complete a mandatory risk assessment. Information provided will be treated as strictly confidential. Please remember that without a risk assessment, your application will not be processed.

Please give us details of the offences for which you were convicted, including approximate dates, sentences and when these convictions will be deemed spent, and any prosecution you are currently facing.

Please use a separate page if needed.

If you are on probation at present, please provide the following details.

Probation Officer Phone number

Email: _____

By signing this form you agree to the College contacting any relevant person or organisation to collect and confirm any details you have provided on this form and to hold this information in line with our data policy.

Signed Date

Please return the completed form to:

The Safeguarding Officer
The Learning Exchange
The City of Liverpool College
Roscoe Street
Liverpool
L1 9DW

Appendix 2: CRIMINAL RECORD ASSESSMENT FORM

To be completed by the safeguarding team

Applicant _____ DoB _____

Course(s) applied for _____

Assessment undertaken by _____

Date _____

Issues to be Considered	Comments
The nature of the crime	
The circumstances involved e.g. the involvement of drugs or alcohol	
When the crime was committed e.g. the length of time since the offence was committed	
The sentence - the length of sentence is usually dependent on the seriousness of the crime Any conditions attached to release and time period	
Patterns of offending - was the offence a one off or is there a history of offending	
Efforts to avoid re-offending e.g. involvement of Probation Service or other agencies, family support, acceptance of responsibility/remorse	
Who might be at risk? e.g. student themselves, other students, staff, public	
Requirements of the course e.g. working with children, young people or vulnerable adults	
Safeguards available to guard against offending whilst at College e.g. supervision, reviews, partnerships	
Will the nature of the course present any temptations for the student to re-offend?	
Conditions e.g. limited time of access, searches, supervision, IT access etc.	

Assessment Outcome

Continue with application

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Cannot offer Place at this time

Continue with application with the following conditions/support agreed

Signature of Assessor