Criminal Convictions Policy & Procedures

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Criminal Convictions
Policy & Procedures

1. Introduction

1.1 London PT College has a positive policy of equality and diversity and strives to support students where ever possible. The College also has a duty of care to safeguard all of its stakeholders including staff, students and visitors and is committed to providing a safe environment for study and work.

1.2 As part of an ongoing commitment to safeguard all of its stakeholders the College operates a policy whereby all applicants must declare whether they have a criminal conviction.

1.3 The College will make every effort to ensure that applicants with criminal convictions are given every opportunity to study, provided it can ensure its safeguarding commitment to the whole college community.

1.4 Those declaring such a conviction will be risk assessed to gauge their suitability for undertaking a course of study within the College. Additionally, if a current student is convicted during their course of study, it is their responsibility to inform a member of the Safeguarding Team immediately.

2. Aims of the Policy

- To ensure that everyone who works and learns at the College achieves their full potential safely in an environment free from discrimination.
- To have procedures that take account of an individual's right to education balanced by the risk to the College and its wider community.

3. Scope of Policy

3.1 This policy applies to all students irrespective of their method of application or enrolment or their type of study including those on further education, higher education (including programmes awarded by partner institutions), school links and apprenticeship programmes, studying either full-time or part-time.

3.2 Any risks identified could relate to information / evidence arising prior to or at the time of enrolment or arising post enrolment whilst studying at the College.

4. Fitness to Practise

4.1 Some qualifications require an Enhanced Disclosure and Barring Service check (DBS). The onus is on the student to establish, prior to enrolment, if they will be able to work in the type of sector connected to their chosen course. The college is available to assist with any queries which potential students may have and are

obliged to tell us about any convictions (including pending) when applying/enrolling. In signing the College's enrolment form you are confirming that you are 'fit to practise'.

5. Declaration of Convictions

5.1 Applicants and students are required to declare if they have a criminal record, any pending court cases or if they are charged with any criminal offence either at application stage or during their course.

5.2 Exceptions:

- Minor motoring offences – these do not need to be disclosed on the College application form and at the enrolment stage.
- Cautions, warnings or reprimands will not be considered, unless there is a requirement to undertake a DBS check for their College course.

5.3 When assessing convictions as part of the risk assessment process a number of factors need to be taken into consideration including:

- Spent convictions
- Violent and Sex Offender Register (ViSOR)
- Date of conviction/s occurred
- Offending history
- Substance misuse
- Mental Health
- Circumstances surrounding conviction
- Sentence
- Rehabilitation
- Course appropriateness e.g. timetable, duration, health & safety factors, work placement etc.
- Who is at risk
- Previous conduct in College, if relevant
- Fitness to practise
- Engagement with external agencies
- Advice from specialist agencies
- References e.g. employers, education, etc.
- DBS requirement
- Risk of re-offending
- Bail restrictions, tag/curfew, other orders e.g. Harassment Order
- Organised Crime Gangs (OCG)
- Criminal exploitation
- Multi Agency Public Protection Arrangements (MAPPA)

(This list is not exhaustive)

6. Criminal Conviction Assessment Process

6.1 Disclosure

6.1.1 All applicants will be asked if they have a criminal conviction or pending criminal proceedings at application and/or at the point of enrolment.

6.1.2 If an applicant declares they have a criminal conviction or have pending criminal proceedings against them at the point of enrolment a Safeguarding Officer will be contacted to meet with the applicant where details of the conviction will be requested and discussed.

6.2 Criminal Conviction Assessment

6.2.1 If required, a Safeguarding Officer will carry out a CC2 risk assessment. The risk assessment documentation must be signed by two Safeguarding Officers.

6.2.2 If there are more serious concerns around the nature of the conviction/s, then a CC2 risk assessment will be completed by a Safeguarding Officer, and will be discussed and signed off by the Designated Safeguarding Officer. The Designated Safeguarding Officer is able to refuse the application at this stage.

6.2.3 Where appropriate the case can be referred under the Fitness to Study procedure.

6.2.4 Decisions regarding a potential student's suitability will be made on an individual basis; full consideration will be given to all the relevant facts.

6.3 Outcomes of the Assessment Process

6.3.1 Following assessment one of the following outcomes will be recommended:

a) Confirm the student's application or enrolment without any restrictions.

b) Confirm the student's application or enrolment with conditions. For example, the student may be allowed to enrol on condition that their course tutor is made aware of his/her convictions; may be allowed to enrol with appropriate support etc. These conditions must be made clear to the applicant and their agreement to them confirmed. If this is not forthcoming the individual will be refused a College place.

c) Refer the applicant or student for further consideration under Fitness to Study procedures.

d) Decide not to give a learner permission to commence their course. As part of the response the College will provide details of their reasons for this decision and how a student can appeal against it.

e) Defer a student's application or enrolment until further information is

obtained – such as references from a Probation Officer, or the outcome of a DBS disclosure. If such information is withheld or cannot be supplied, the individual will be refused a College place.

6.4 Communicating Decisions

6.4.1 Students must be informed in writing of the outcome of the CC2 risk. assessment. A letter will be sent by the Designated Safeguarding Officer.

6.4.2 Student Records must be informed by a Safeguarding Officer as to whether a student should be allowed to enrol.

6.4.3 Any recommendations must be coordinated by the relevant Safeguarding Officer or named person/s within the Risk Assessment document. Where appropriate, member/s of staff may be informed about the conviction in confidence e.g. Progress Tutors, Security staff, Curriculum staff.

6.4.4 Any concern regarding fitness to practise in their potential future career must be highlighted to the student.

6.4.5 Where the student may need to complete a work placement as part of their course, the Work Placement Co-ordinator will be informed.

6.4.6 ***Note:*** *Each time an application is submitted by the applicant it will be reviewed under this process to determine relevance to the course applied for, and a risk assessment completed. When a risk assessment has taken place and a decision has been made not to allow a student to enrol a flag will be added to the potential student's record.*

7. Appeals Procedure

7.1 In the event that the outcome of the risk assessment is that a student/potential student's application and enrolment cannot proceed, then the student/potential student has 15 working days to appeal in writing.

7.2 An appeals panel will meet within 10 working days of receipt of the letter. The panel will consist of the Principal and two other College Managers previously unrelated to the case. A member of the original panel will present the case.

7.3 All relevant documents will be reviewed along with any new evidence. The panel may take specialist advice where necessary.

7.4 The student/potential student will then be informed in writing of the decision. The outcome of the appeal is final.

8. Non-Declaration

8.1 If a student answers 'no' to having an criminal conviction or pending conviction and it is subsequently found that they do, the College has the right to terminate the student's learner agreement with immediate effect.

9. New Convictions

9.1 If a current student is convicted during their course of study, it is their responsibility to inform a member of the Safeguarding Team, so a risk assessment can be carried out (a set out in Section 6).

9.2 If it is found that a student has not declared a conviction to the College it has the right to terminate the student's learner agreement with immediate effect.

10. Confidentiality

10.1 All personal and sensitive information will be managed in accordance with the Data Protection Act 1998 and the Common Law Duty of Confidentiality.

10.2 There may be occasion where the College is obliged to disclose information, notwithstanding that the learner has refused consent:

- Where the learner's behaviour threatens their safety or safeguarding, and that of others.
- *Or* where the College would be liable to civil or criminal liability for failure to disclose.