

Guidelines for the recruitment of students with a criminal conviction

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GUIDELINES FOR THE RECRUITMENT OF STUDENTS WITH A CRIMINAL CONVICTION

Introduction

The Cornwall College Group (TCCG) has a statutory¹ and moral duty to ensure that the College functions with a view to safeguarding and promoting the welfare of children and vulnerable adults receiving education and training at the College. To fulfil these duties, TCCG will risk assess all applicants and learners who have disclosed unspent criminal convictions and consented to the processing of personal data and information in relation to the disclosure.

These guidelines apply to all individuals applying for a place on a Higher Education programme with or without Regulated Activity (see government guidance on Regulated Activity), including Foundation Programmes (Science Gateway), Foundation Degrees, HNC/D, Advanced Certificate, Diploma (higher), BSc/BA, Postgraduate taught and Postgraduate research programmes, regardless of duration, mode of study, or qualification aim. These Guidelines apply irrespective of how the College becomes aware of an applicant's criminal convictions, and therefore includes self-disclosure during the application, recruitment and selection process, information found in the public domain and/or a statutory disclosure and barring service (DBS) check.

The same process applies if a learner is under investigation or convicted of a criminal offence after enrolment and if they are still enrolled on a programme. In order to maintain the integrity of any investigation and to protect the individual and other learners, an immediate risk assessment will be completed to determine their suitability to remain on a programme while the unspent criminal conviction process is being administered.

Disclosure of a criminal conviction

Disclosure of unspent criminal convictions is required at application stage for those programmes that require a DBS check for regulated activity. The College operates a procedure to ascertain the nature and potential risks related to a disclosure. A risk assessment will be completed and if necessary control measures and Individual Learner Support Plans will also be actioned. Consideration of spent convictions may also be subject to the latter.

For programmes without regulated activity, the applicant is not required to disclose any convictions throughout the application stage and admissions process but will be contacted and asked to do this at the point they accept an offer from the College.

¹ Legislation and statutory guidance associated with this procedure include:

The Education Act 2002
Keeping Children Safe in Education 2019
Safeguarding Vulnerable Groups Act 2006
Working Together to Safeguard Children 2018

Should an applicant not disclose an unspent criminal conviction and it is discovered at enrolment stage or afterwards a Safeguarding Lead will follow the appropriate steps as detailed within the *College's Procedure for Applicants/Learners Declaring an Unspent Criminal Conviction*.

Any applicant not applying via UCAS for a programme that involves Regulated Activity will be required by the College to disclose any spent or unspent criminal convictions.

Risk assessments for applicants declaring an unspent criminal conviction

Applicants applying for a programme with or without Regulated Activity will be expected to provide further details, in confidence and return to the Safeguarding Team Administrator marked private and confidential. A Safeguarding Lead will be assigned and will carry out further enquiry, contact named statutory agencies to assist with the assessment and to check the accuracy of information declared and complete an appropriate risk assessment and/or support plan for the applicant/learner. If the conviction is considered to be minor or sufficiently low risk the Admissions Team will be notified and the application will continue to be processed. If the risks associated with an unspent conviction are considered to be too high and unmanageable the applicant/learner will be informed of this decision by the Safeguarding Lead and the Admissions Team will be notified to withdraw the applicant.

All risk assessments for unspent criminal convictions completed by the assigned Safeguarding Lead will be discussed with the Designated Safeguarding Lead / Lead Safeguarding Adviser to ratify the assessed level of risk and final decision.

Confidentiality

Any disclosure obtained through the DBS check or by other means must be kept, and ultimately disposed of, in accordance with the current guidance from the DBS on the secure storage, handling, use, retention and disposal of disclosures and disclosure information (see DBS website). All other documentation should be kept securely and in accordance with the College's Guidelines and the Data Protection Act 2018.

Any DBS disclosure will not be kept on the individual learner's file, but the DBS number will be recorded on the single record with Human Resources for the duration of their study

Permission will need to be obtained from the DBS if it is necessary to hold the DBS disclosure for longer. Similarly, other (non-DBS disclosure) information on a person's criminal record will not be kept on the student file, but one copy with restricted access will be kept with in Safeguarding Central with the Safeguarding Administrator for a period of no longer than 7 years. All other copies should be destroyed.