

HE PROCEDURE FOR APPLICANTS / LEARNERS DECLARING AN UNSPENT 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.

Aim:

To ensure that all learners, staff and visitors of The Cornwall College Group (TCCG) are appropriately safeguarded from learners with a criminal conviction that is deemed to be unspent in accordance with The Rehabilitation of Offenders Act 1974.

Objectives:

1. Applicants/Learners are encouraged to declare any unspent criminal convictions² enabling the College to manage the risk that may be present to themselves, other learners and staff through appropriate risk assessments, control measures and Individual Learner Support Plans.
2. Applicants/Learners whose offending background presents too great a risk to themselves or others in the College environment are identified and not admitted to or able to continue with inappropriate programmes of study, in unsuitable learning environments or College provision overall.

Application/Enrolment Forms (on line or paper based) – Non UCAS

1. TCCG application or enrolment forms/on-line should include a question asking applicants or learners to disclose any “unspent”² criminal convictions.
2. If an applicant/learner discloses an unspent criminal conviction
 - a. HE Admissions processing staff will ensure that prior to interview or enrolment, the applicant/learner is sent the standard letter (Appendix A) asking for more information, in confidence, on their unspent criminal convictions. The application or enrolment should **not be progressed** until this information is received.
 - b. The details of the applicant/learner’s unspent conviction will be sent back to the Safeguarding Administrator (Michelle Souter), marked private and confidential. If such a letter is given to any other member of staff it should be forwarded unopened.
 - c. On receipt of this information, the Safeguarding Administrator will log receipt on a database and forward on to the appropriate Safeguarding Lead linked to the curriculum area to carry out further enquiry, contact statutory agencies to check the accuracy of information declared and to draw up an appropriate risk assessment and/or support plan for the applicant/learner.

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

² Under the Rehabilitation of Offender’s Act (1974) only unspent criminal convictions need to be declared. However, applicants for courses involving regulated or controlled activity will need to obtain a DBS clearance and will need to declare all convictions including those that have been “Spent”, they will also be subject to the new 2015 disqualification criteria as required under the Childcare Act 2006.

- d. The Safeguarding Lead will email the appropriate risk assessment /support plan to the Safeguarding Administrator including any “no further action” risk assessments (i.e. for very minor or low risk unspent convictions). These will be logged against the original declaration/information.
 - e. Where the Safeguarding Lead feels that the risk that the applicant/learner presents may potentially be too great to manage, the Safeguarding Lead will discuss this with the Designated Safeguarding Lead to ratify this decision. The applicant/learner will then be informed of this decision by the Safeguarding Lead.
 - f. Once the risk assessment/support plan has been received, the Safeguarding Administrator will inform the HE Admissions processing staff that arrangements for interview/enrolment should continue or not.
 - g. The Safeguarding Lead will inform the learner of the decision and (where appropriate) relevant course/College staff of any risk assessment or support plan and agree this with the applicant/learner on a strictly need to know basis.
3. UCAS applications no longer require a declaration unless the applicant is applying for a course that has Regulated Activity and this has been highlighted on UCAS Course Collect. However, applicants applying for other programmes of study that do not have Regulated Activity are required to disclose any unspent criminal conviction in order to ensure the safeguarding and welfare of those students and staff at the College.
 4. Applicants for those programmes of study that do not have Regulated Activity will be required to complete a form at the point that they accept an offer with the College. This form will be sent with acknowledgement of their confirmation of offer via the HE Admissions Team and will be logged accordingly via Prosolution.
 5. The Safeguarding Lead will retain records of all risk assessments and support plans securely and review with the learner periodically and update accordingly. Details will be retained indefinitely in accordance with government guidance on the retention of information in relation to safeguarding, in case of a subsequent public enquiry, serious case review or official investigation.
 6. If an unspent criminal conviction is disclosed or emerges after the enrolment, the learner with the appropriate Safeguarding Lead will follow steps b. onwards. The Safeguarding Administrator will inform the Site Administration Manager who will then note this on Prosolution.

See below for Appendix A

Appendix A

Letter to be sent to applicants or those wishing to enrol on programmes that have ticked the Unspent Criminal Convictions box.