



TITLE		REF	VERSION
Student Criminal Convictions Procedure		LSPRO004	3.0
DEPARTMENT		Group Student Support	
DATE	20 May 2024	REVIEW DATE	20 May 2028

STUDENT CRIMINAL CONVICTIONS PROCEDURE

Procedure Statement

Activate Learning is committed to the fair treatment of all and welcomes applications from a wide range of individuals, including those with criminal convictions. We aim to safely include learners with criminal convictions and support their rehabilitation through education and learning whilst remaining committed to our robust culture of safeguarding.

This procedure clarifies the actions to be taken by the organisation to ensure we meet our duties relating to the safety and wellbeing of our staff, students, visitors, and wider communities. It applies to all applicants and enrolled students, of any age, who apply, reside, or study with Activate Learning, including at a college, online and with Activate Apprenticeships. It is intended to support the Admissions and Safeguarding and Child Protection policies and procedures.

Procedure

Declaration:

We require all applicants and learners to declare the following:

- Unspent criminal convictions or convictions not cleared from their criminal record (further guidance: <https://unlock.org.uk/disclosure-calculator/>)
NB: If applying or on a course that involves a work placement with children or vulnerable adults and requires a DBS check, we also require disclosure of spent and unspent convictions, cautions, warnings, reprimands, and final warnings which would not be filtered in line with current guidance. Course examples include Early Years, Teaching and Education, Counselling, and Health and Social Care.
- Any pending court cases.
- Criminal offences with which they are arrested, charged, or convicted with during the application process, whilst on programme or on placement with Activate Learning.

For ease, these will herein be referred to as a 'criminal conviction' but may relate to any of the above circumstances.

Applicants can declare a criminal conviction:

- On their application form
- During an applicant support phone call with an Admissions Adviser or during an admissions event such as Clearing
- During the enrolment process

Learners who are already enrolled with Activate Learning and Activate Apprenticeships should declare a criminal conviction by speaking to a member of staff. Staff may also become aware in other ways, such as via parent/carers, other learners, police, probation officers, youth justice services, social workers, previous education providers, etc.

Staff should not assume that this information is known to the Student Support and Safeguarding team and should pass this information on, immediately.

Responsibilities:

All staff have a duty to pass information relating to criminal convictions or incidents to a member of the Student Support and Safeguarding team so that the information can be clarified, and an assessment of support needs and risk, can be undertaken.

The Student Support and Safeguarding team can be contacted via:

Email: safe@activatelearning.ac.uk

Telephone: 01865 550401

Online: [Record of concern](#)

Staff authorised to undertake assessments of an applicant/learner's criminal convictions are:

- Student Behaviour and Welfare Officer
- Head of Student Experience
- Designated Safeguarding Adviser
- Deputy Designated Safeguarding Lead (DDSL)
- Group Designated Safeguarding Lead (DSL)
- Group Director of Student Experience and Safeguarding
- Group Head of Advice and Admissions

The authorised member of staff may require further information, in which case they will contact the applicant/learner directly. If they are under the age of 18 or 25 with an EHCP, they may also contact their parent/carer(s).

The authorised member of staff may also wish to contact external support services and professionals such as Police, Probation Services, Social Workers, Mental Health teams etc, to consider their professional assessment of risk and support needs.

In some circumstances it may also be necessary to involve the applicant/learner's faculty, performance coach or internal support services in this process, to help identify support within Activate Learning and mitigate any risks. All information will be dealt with in a confidential manner and shared only with relevant staff on a need-to-know basis.

Process for applicants:

1. Applicant declares a criminal conviction during the application or enrolment process.
2. Application will be put on hold. The applicant must not commence learning or residence with Activate Learning (including Online and Apprenticeships) until this has been completed.
3. Advice and Admissions (or Welcome and Success Team for Apprenticeships) will inform an authorised member of staff of the application.
4. The authorised member of staff will contact the applicant to ensure they complete the Criminal Conviction Disclosure form.
5. The authorised member of staff will review all the information and come to one of the following decisions:
 - Proceed with application with no further action required.
 - Application can progress with agreed conditions/support and/or a safeguarding risk assessment. Authorised member of staff to arrange a risk assessment meeting in conjunction with a member of the Safeguarding team.
 - Unable to progress with application for the course or area of study applied for, alternative programme to be explored by Advice and Admissions.
 - Unable to progress with application. Authorised member of staff to inform the applicant of this decision and of their right to appeal.

6. If it is assessed that we can meet the applicant's needs, the authorised member of staff will progress the application on REMS and the application will proceed to the next stage.
7. The authorised member of staff will update internal systems, as appropriate. For example, ProMonitor support plan or Smart Assessor.
8. The authorised member of staff will save the completed criminal conviction disclosure form on the Safeguarding SharePoint site, accessible only to authorised staff members.

Process for enrolled learners:

1. Activate Learning staff becomes aware that a current learner or participant has a criminal conviction.
2. Staff member informs an authorised member of staff, without delay.
3. An authorised member of staff will contact or meet with the learner to complete a criminal conviction disclosure form.
4. In some circumstances, it may be deemed necessary to temporarily ask the learner to work/study remotely or to suspend them until this process has been completed. This will be decided by an authorised member of staff alongside the learner's faculty / performance coach.
5. The authorised member of staff will review all the information and come to one of the following decisions:
 - Proceed with study/placement with no further action required.
 - Study/placement can continue with agreed conditions/support and/or a safeguarding risk assessment. Authorised member of staff to arrange a risk assessment meeting in conjunction with a member of the Safeguarding team and faculty.
 - Unable to progress with study on current programme, placement and/or campus, alternatives to be explored by Faculty/Apprenticeships, Careers and Advice and Admissions.
 - Unable to continue with study and withdrawal process to be followed by Faculty/Placement in line with the Student Behaviour and Disciplinary Policy and Student Behaviour and Disciplinary Procedure.

The decision as to whether a risk assessment is required will be made by an authorised member of staff in conjunction with a member of the Safeguarding team. Circumstances in which one may be deemed necessary are when the criminal conviction:

- Relates to safeguarding in any capacity (indicates a risk to children or adults at risk) such as offences relating to violence, sexual offences, involving firearms, unlawful supply of controlled substances, etc.
- Indicates they pose or may pose a threat to the safety or property of staff, students, placements, or visitors, or to the reputation of Activate Learning e.g., offences involving arson or listed in the Terrorism Act 2006, etc.
- Indicates they may be at risk from others e.g., if their criminal conviction were to become known or accomplices also attend the college.
- There is a pattern or repetition of offences which suggests a pattern of behaviour which warrants further understanding.
- There are a high number of offences.

Outcomes:

A criminal conviction will be approved if certain conditions are met:

- There is sufficient evidence to suggest that the individual does not pose an unmitigatable risk to staff, students, providers, or visitors.

- The individuals' personal circumstances have now changed, and they are considered rehabilitated by professionals in their external support network.
- The circumstances surrounding the offence(s) are considered unique by external professionals and deemed highly unlikely to occur again or place Activate Learning staff, students, providers, or visitors at risk.
- The risks identified can be mitigated through additional support, adherence to specified conditions or personal risk assessment.

If a learner does not adhere to the conditions agreed in the support plan or risk assessment, Activate Learning may initiate the Student Behaviour and Disciplinary Policy and Procedure and may result in the learner being suspended or withdrawn.

Activate Learning reserves the right to refuse an application or withdraw a learner where:

- The nature of the conviction(s) poses a risk to the safety or property of staff, students, providers, or visitors which cannot be mitigated against in a risk assessment or support plan.
- The conviction(s) may limit an individual's ability to fulfil the requirements of the course. This may include a work-placement that would not be possible due to DBS requirements, or an inability to meet professional or statutory requirements of a course and/or work-placement.
- An individual's career aspirations could be limited by their criminal conviction(s), despite appropriate qualifications. In this instance the individual would be referred to the Careers team for advice and guidance.

If an applicant/learner does not disclose an existing criminal conviction at application or enrolment, which are later disclosed, Activate Learning reserves the right to withdraw the learner from their course and/or request that the learner does not return to college until this criminal conviction procedure has been completed.

Appeals or complaints:

If the applicant/learner wishes to make a comment, suggestion or complaint, this can be made by speaking to an authorised member of staff or via our website at www.activatelearning.ac.uk/feedback.

Appeals should be made in writing within 10 working days and are heard by the Group Designated Safeguarding Lead and/or Group Director of Student Experience and Safeguarding.

References

Safeguarding and Child Protection Policy
Safeguarding – Reporting a Concern Procedure
Admissions Policy
Admissions Procedures (various)
Student Behaviour and Disciplinary Policy
Student Behaviour and Disciplinary Procedure
Compliments, Comments and Complaints Procedure
Equality and Diversity Policy

Appendices

Appendix 1: Criminal Conviction Disclosure Form
Appendix 2: Further Information

Appendix 1: Criminal Conviction Disclosure Form



Criminal Conviction Disclosure Form

Name:	
Student/Applicant ID:	
Current course/Course applied for:	

As you have informed us of a criminal conviction, we require some further information which will lead to one of the following decisions:

- We can progress with your application.
- Application can progress with an agreed risk assessment and/or support plan.
- We will not be able to progress with your application at the present time.

A DBS check is required for the following courses, any spent convictions may affect suitability for study on Protected Services, Accounting, Health and Social Care, Childcare and Teaching, Counselling, Access to Nursing and Midwifery.

Details of any unspent criminal convictions, cautions, reprimands or final warnings or prosecutions pending?	Details of the offences, for which you were convicted, including dates, and any pending prosecution.
<i>Example - Possession of drugs with intent to supply.</i>	<i>Example - Large number of drugs found in home search. Charged with possession with intent to supply on the 02/02/23. Bailed pending investigation. Report to station once a month.</i>

Are you supported by other professionals e.g., Youth Justice Team, Probation, Police, Social Worker, CAMHS/CMHT	
Professionals Contact details - Name: Contact number: Email:	Additional information/supporting evidence from professionals:

Interview conclusion and recommended action (if unclear, seek advice from DDSL/DSL)	
Proceed with application / remain on programme	
Application / study can progress with agreed conditions (please detail support agreed below)	
Risk assessment to be completed in conjunction with the Safeguarding Team	
Unable to continue with programme / application (please detail reasons below)	
Additional information:	

Applicant/learner consent to share information
<p>We may share information with other professionals in relation to your convictions to enable us to develop a clearer picture of your situation and needs.</p> <p>However, we need your consent before we can give and receive information. For example, it can be useful to contact probation officers/social workers to gain a reference for you, or more details about the circumstances of your conviction or your support needs.</p> <p>We will otherwise maintain confidentiality unless: -</p> <ul style="list-style-type: none"> • information given by you concerns the abuse, harm, or neglect of a child / vulnerable adult or when we have reason to believe that a child or vulnerable adult is at risk. • if by keeping confidentiality you or another person is likely to suffer injury • if the police have a court order for specific information relating to you • if the information relates to the Prevention of Terrorism Act <p><i>I agree to the information in this disclosure form being shared as per the guidance above.</i></p> <p>Signed: _____ Date: _____</p> <p>Print name: _____</p>
Form Completed By: _____

Appendix 2: Further Information:

Ministry of Justice - [Check if your conviction or caution is spent](#)

Nacro – [What do I need to disclose?](#)

Nacro – [Spent convictions poster](#)

Unlock - [Do I need to disclose my criminal record online tool](#)

Unlock - [Helpline](#)