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Student Criminal Convictions Procedure	LSPRO004	4.0
DEPARTMENT	Group Student Support	
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# STUDENT CRIMINAL CONVICTIONS PROCEDURE

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## 1. Procedure Statement

1.1. Activate Learning is committed to the fair and inclusive treatment of all applicants and learners, including those with criminal convictions. We aim to provide safe and supportive opportunities for individuals with criminal records to access education, progress in their learning, and support their rehabilitation, while upholding our robust safeguarding responsibilities.

1.2. This procedure outlines the actions to be taken by Activate Learning to ensure the safety and wellbeing of learners, staff, visitors, and the wider community. By providing a clear and consistent approach to the disclosure and assessment of prospective and current learner’s criminal convictions, this procedure supports our commitment to safeguarding, inclusion, and the principles set out in our Admissions, Safeguarding and Prevent policies and procedures.

## 2. Scope

2.1. This procedure applies to all Activate Learning applicants and enrolled learners, including those in:

- Further Education, Higher Education, Adult Education, Apprenticeships and Online learning including through Activate Learning franchises
- College accommodation
- 14–16 programmes (in collaboration with partner schools)
- Work placements or other community-based activities representing Activate Learning

2.2. It supports our Safeguarding and Prevent Policy, Admissions Policy, Student Positive Behaviour Management policies and procedures, and our Student Code of Conduct.

## 3. Procedure

3.1. **Declaration:** Activate Learning welcomes applications from all members of the community, having a criminal conviction does not automatically prevent you from studying with us. All applications are considered fairly, reviewing all relevant circumstances.

3.2. To ensure holistic support for applicants and enrolled learners, as well as upholding our safeguarding responsibilities, we require all applicants and learners to declare any relevant unspent criminal convictions or cautions, under the [Rehabilitation of Offenders Act 1974](#).

- Learners studying certain courses that involve regulated activity (such as Nursing, Counselling, Teaching, or Health and Social Care) are required to undergo enhanced Disclosure and Barring Service (DBS) checks. These requirements are set by relevant Professional, Statutory, and Regulatory Bodies to ensure suitability for working with children or adults at risk. For these courses, applicants must disclose all criminal convictions and cautions, whether spent or unspent.

3.3. If someone is unsure whether a conviction is spent or needs to be disclosed, they can contact [safe@activatelearning.ac.uk](mailto:safe@activatelearning.ac.uk) for guidance or use the [Government tool](#). For independent advice, they can also contact [Unlock](#) (see Appendix 2 for further details).

3.4. If there are questions about the content of this document, how to interpret it or about how this procedure applies to an individual's situation, please contact [safe@activatelearning.ac.uk](mailto:safe@activatelearning.ac.uk) for further advice or clarification.

## **4. Responsibilities**

### **All Staff**

4.1. All staff have a duty to report any information relating to an applicant or learner's criminal conviction or related incident to the Student Support and Safeguarding Team without delay. This ensures appropriate clarification, risk assessment, and support planning can take place.

### **Advice and Admissions Team**

4.2. The Advice and Admissions Team must refer any applications that include a declared criminal conviction to the Student Support and Safeguarding Team for further review.

### **Student Support and Safeguarding Team**

4.3. Only the following authorised staff members may assess criminal conviction disclosures:

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

## 5. Process

### Initial disclosure:

5.1. Applicants can declare criminal convictions:

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

5.2. For applicants who are Released on Temporary Licence from prison (ROTL), the prison or probation service should contact Activate Learning (often via the Faculty or Apprenticeships Team) to arrange for an individual who is ROTL to apply for a programme or assessment.

5.3. For currently enrolled learners who are convicted of a relevant offence after joining Activate Learning, or if new information arises that may impact their suitability for their course or placement, they must notify the Student Support and Safeguarding Team immediately.

### Notification to Student Support and Safeguarding Team

5.4. When an individual declares a relevant unspent criminal conviction, this information is passed on confidentially to the Student Support and Safeguarding Team. For applicants this is often via the Advice and Admissions Team or Welcome and Success Team for Apprenticeships. For enrolled learners, this is often shared via a 3<sup>rd</sup> party (e.g., social worker, police officer, etc), via a staff member or the learner self-disclosing.

5.5. This information must be passed onto the Student Support and Safeguarding Team via:

- Email: [safe@activatelearning.ac.uk](mailto:safe@activatelearning.ac.uk)
- Telephone: 01865 550401
- Online form [internal staff use only]: [Record of concern](#)

### Immediate Response:

- 5.6. An application will be temporarily put on hold while the below process can take place.
- 5.7. The applicant must not begin learning, residency, or placement with Activate Learning (including online or apprenticeship programmes) until the disclosure process is complete.
- 5.8. In some cases, a currently enrolled learner may be temporarily asked to study remotely or be suspended while the disclosure is reviewed. This decision will be made jointly by an authorised staff member and the learner's faculty team or performance coach in line with the Procedure for Personal Risk Assessments and Personal Emergency Evacuation Plans (PEEPs).

### **Completion of Disclosure Form**

- 5.9. An authorised staff member from the Student Support and Safeguarding Team will contact the applicant or learner and request completion of the Criminal Conviction Disclosure Form. For applicants who are ROTL, the form is completed in liaison with the prison or probation service, confirming the conditions of the licence.
- 5.10. This form and associated discussion consider:
- a) The nature and seriousness of the offence
  - b) How relevant it is to the course, role or location of study/residence
  - c) Time passed since the last offence
  - d) Any pattern of offending
  - e) The person's age at the time of the offence(s)
  - f) The circumstances surrounding the offence(s)
  - g) Their attitude then and now
  - h) Steps taken to change, avoid reoffending, or address past behaviour
  - i) Any positive changes in circumstances and personal responsibilities since the offence
- 5.11. Activate Learning may also seek consent to contact parent/carers if the individual is under 18 and liaise with external relevant professionals (such as police, probation, prison service, social workers, or mental health services) to inform the assessment. If the individual does not give consent, the process

will continue based on the existing information available, and should note that without relevant evidence, it may not be possible for Activate Learning to make a fully informed decision.

- 5.12. If the learner is unwilling or unable to engage in this process, the procedure may proceed in their absence, based on the available information.

### **Risk Assessment and Review**

- 5.13. As per the Procedure for Personal Risk Assessments and Personal Emergency Evacuation Plans (PEEPs), safeguarding risk assessments are conducted to identify, evaluate, and manage potential hazards or risks, aiming to prevent harm and maintain a safe, supportive learning environment.
- 5.14. They are undertaken when it is believed that an individual may pose a risk to themselves, other students, staff, property, or Activate Learning's reputation, or may be at risk from others within our learning environments, including residential and online settings.
- 5.15. The decision to carry out a safeguarding risk assessment is made on a case-by-case basis by the Student Support and Safeguarding Team. However, a risk assessment is likely to be required in circumstances including, but not limited to:
- a) The offence(s) suggest a potential risk to children or adults at risk – e.g., offences involving violence, sexual harm, firearms, or the unlawful supply of controlled substances.
  - b) The offence(s) indicate a possible threat to the safety or property of staff, students, visitors, placements, or to the reputation of Activate Learning – e.g., arson, terrorism-related offences, etc.
  - c) There is a risk to the individual, for example, if the conviction becomes known or if associates also attend the college.
  - d) A pattern or repetition of offences suggests a recurring behaviour that requires further understanding.

- e) The individual has a high number of offences that may require contextual consideration.

5.16. The risk assessment process is undertaken in collaboration with the applicant or learner. While learner's do not have direct access to internal systems such as ProMonitor, any support plans created as part of the process will be developed transparently and with their involvement, considering their individual needs, circumstances, and goals.

5.17. Where appropriate, the applicant/learner's faculty team, performance coach, or other internal support services may also be involved to ensure that the right support is in place, and any identified risks are effectively managed. All information will be handled confidentially and shared only with staff who require it to carry out their professional duties.

5.18. For individuals that are ROTL, the Student Support and Safeguarding Team will always carry out a risk assessment, in collaboration with the relevant prison or probation service. In many cases, the prison will also conduct its own assessment of the Activate Learning site as part of the ROTL process.

**Outcome:**

5.19. An application or continuation of study may be approved following a criminal conviction assessment if one or more of the following conditions are met:

- a) There is clear evidence that the individual does not present an unmanageable risk to staff, students, visitors, placement providers or the organisation.
- b) The individual's circumstances have changed significantly, and they are considered rehabilitated by professionals involved in their external support network.
- c) External professionals confirm that the offence(s) were isolated or occurred under specific circumstances that are unlikely to recur or pose future risk.

- d) Any identified risks can be appropriately managed through tailored support, reasonable adjustments, agreed conditions, and/or a safeguarding risk assessment.

5.20. 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, and as a result of the risk assessment process, are viewed as unsuitable.
- 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.

### **Failure to Disclose:**

5.21. If a relevant unspent criminal conviction is not disclosed during application or current enrolment but is discovered later, Activate Learning reserves the right to revoke an offer or initiate the [Student Positive Behaviour Management Policy](#) and [Procedure](#) which may result in suspension until the criminal convictions process is completed or withdrawal from Activate Learning.

### **Decision:**

5.22. Based on the criminal conviction disclosure assessment, one of the following decisions will be made:

- Proceed with application/study – no further action required
- Proceed with application/study – with support, conditions and/or risk

assessment

- Unable to proceed with the current course or location of study – alternative options to be explored
- Unable to proceed with application/study – individual informed of the outcome and their right to appeal

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

## 6. Communication

6.1. Activate Learning is committed to transparent and supportive communication with applicants and learners throughout the Criminal Convictions Procedure. This includes information about what to expect, who will be involved, how their information will be used, and what support is available throughout the process.

- Applicants and learners will be given a clear outline of the expected timescales for next steps, including when a decision is likely to be made. Timescales will vary depending on the complexity of the circumstances and availability of external information (e.g. from probation, police, or support professionals).

6.2. Once a decision is made, this will be communicated in writing within **three working days**. The communication will outline the outcome, any conditions or support plans, and information about the right to appeal if applicable.

## 7. Support

7.1. We understand that learners with criminal convictions may benefit from help navigating the transition into education, advice on future education, employment or training options, and/or emotional support for managing circumstances surrounding the offence(s).

7.2. Activate Learning has a range of services to support the diverse needs of our

learners such as counsellor's, wellbeing advisors, careers team, progress coaches, learning support and student support and safeguarding teams.

Our [Safeguarding at Activate Learning](#) website also provides helpful advice, guidance and an opportunity to discuss any concerns you may have with a member of our Safeguarding team.

7.3. Information on how to access support is available on the Activate Learning website [Supporting You](#), on the [Student Support Hub](#) via Activate Learning Online platform (ALO), or by speaking to any member of staff, who can refer you to the right support.

## **8. Compliance**

### **Data Protection**

8.1. Sensitive personal information, such as information relating to criminal records, will be stored securely and only accessible to staff with a legitimate role in the Criminal Convictions Procedure.

8.2. In accordance with statutory guidance (e.g., Working Together to Safeguard Children 2023, Care Act 2014, Keeping Children Safe in Education), Activate Learning collaborates with multi-agency partners to protect learners from harm. A multi-disciplinary approach is employed in the risk assessment process, with information sourced from relevant agencies to ensure a comprehensive assessment, such as the police, probation service, prison service, social care or mental health services.

8.3. All data will be handled in line with the UK General Data Protection Regulation (UK GDPR) and Activate Learning's Information Security and Data Protection Policy.

## **9. Feedback and Complaints**

9.1. Feedback on this policy, or how it is implemented in practice, can be submitted through our website at: <https://www.activatelearning.ac.uk/contact-us/customer-feedback>, in accordance with our Customer Compliments, Comments and Complaints Policy.

## 10. Appeals

- 10.1. To appeal, a written request should be submitted to the Director – Designated Safeguarding Lead via [safe@activatelearning.ac.uk](mailto:safe@activatelearning.ac.uk), within ten working days of receiving the outcome. The appeal must clearly state the grounds on which the applicant or learner wishes to challenge a decision regarding a criminal conviction, and any supporting evidence.
  - 10.2. Your appeal will be considered by a senior member of staff who was not involved in the original decision. You will receive a written response outlining the outcome of your appeal and the reasons for the decision, normally within 10 working days.
  - 10.3. If your appeal is upheld, you will be notified in writing, and a revised decision will be issued. However, this may still include conditions such as an updated support plan or risk assessment, if considered appropriate.
  - 10.4. If your appeal is unsuccessful, you will be notified in writing with a clear explanation of the reasons. In these circumstances, the original decision will stand, and no further internal appeal will be considered unless new, relevant information is shared. The individual will be signposted to appropriate support such as Activate Learning's Careers Team for further guidance or to external support organisations.
- Higher Education students, whose appeal is unsuccessful, will receive a Completion of Internal Procedures letter, which they are required to submit to the [Office of the Independent Adjudicator for Higher Education - OIAHE](#) within 12 months if they wish to pursue their appeal further.

## 11. Review

- 11.1. This procedure is reviewed every three years, or earlier if required, to ensure it remains compliant with relevant legislation and reflects feedback from staff and learners.

## References

### Activate Learning related Policies and Procedures:

- [Admissions Policy](#)
- [Customer Compliments Comments and Complaints Policy](#)
- [Equality and Diversity Policy](#)
- Fitness to Study and Reside Procedure
- Health and Wellbeing Procedure for Residential Students
- [Safeguarding Reporting a Concern Procedure](#)
- [Safeguarding and Child Protection Policy](#)
- [Student Code of Conduct](#)
- Student Conduct and Behaviour in Accommodation
- Student Health and Wellbeing Policy
- [Student Positive Behaviour Management Policy](#)
- [Student Positive Behaviour Management Procedure](#)

### Relevant Legislation:

- [Equality Act 2010](#)
- [Keeping Children Safe in Education](#)
- [Working Together to Safeguard Children 2023](#)
- [Care Act 2014](#)
- [Data Protection Act 2018](#)
- [General Data Protection Regulation](#)

## Appendices

Appendix 1: Criminal Conviction Disclosure Form

Appendix 2: Further Support

If you require this document in an alternative format, please contact

[complianceteam@activatelearning.ac.uk](mailto:complianceteam@activatelearning.ac.uk)

## Appendix 1: Criminal Conviction Disclosure Form



### Criminal Conviction Disclosure Form

<b>Name:</b>	
<b>Student/Applicant ID:</b>	
<b>Current course/Course applied for:</b>	

Activate Learning welcomes applications from all members of the community. A criminal conviction does not automatically prevent you from studying with us.

You have disclosed a relevant unspent criminal conviction or caution under the [Rehabilitation of Offenders Act 1974](#). We now require further information to fully and fairly assess your application or continued study, considering all relevant circumstances. This process is handled confidentially by authorised staff.

Based on the information you provide, one of the following decisions will be made:

- You can continue your application/studies with no further action.
- You can continue your application/studies with an agreed risk assessment and/or support plan.
- We are unable to proceed with your application or programme at this time (you will be informed of the reasons and have the right to appeal).

If you are applying for, or enrolled on, a course that requires an enhanced DBS check (e.g., Health and Social Care, Childcare, Teaching, Counselling, Access to Nursing and Midwifery, Accounting, or Public Services), you must include all spent and unspent convictions and cautions.

If you are unsure whether a conviction is unspent or needs to be disclosed, you can contact [safe@activatelearning.ac.uk](mailto:safe@activatelearning.ac.uk) for guidance or use the [Government tool](#). For independent advice, you can also contact [Unlock](#).

<p><b>Details of any unspent criminal convictions or cautions.</b></p> <p><b>NB: If you are applying for a course that requires an enhanced DBS check (e.g., Health and Social Care, Childcare, Teaching, Counselling, Access to Nursing and Midwifery, Accounting, or Public Services), you must include all spent and unspent convictions and cautions.</b></p>	<p><b>Date(s) of conviction/offence.</b></p> <p><b>Outcome (sentence, caution, etc)</b></p> <p><b>Brief description of incident(s).</b></p>
<p><i>Example - Possession of drugs with intent to supply.</i></p>	<p><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></p>
<p><b>Are you currently supported by any professionals (e.g., Youth Justice Team, Probation Officer, Police, Social Worker, Community Mental Health Teams)?</b></p>	
<p><b>If yes, please provide contact details:</b></p> <p><b>Professional's name:</b></p> <p><b>Role/organisation:</b></p>	<p><b>Additional information or supporting evidence from professionals (if available):</b></p>

<b>Contact number:</b>  <b>Email address:</b>	
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<b>Applicant/learner consent to share information</b>	
<p>To make an informed decision and identify appropriate support, we may need to share relevant information with professionals who support you (e.g., probation or social workers), and in some cases, internal staff such as your tutor or support team.</p> <p>Your information will be handled confidentially and only shared on a strict need-to-know basis. However, we may need to share information without your consent if:</p> <ul style="list-style-type: none"> <li>• There is concern about the safety or welfare of a child or vulnerable adult</li> <li>• There is a serious risk of harm to you or others</li> <li>• We are required to do so by law (e.g. court order or terrorism legislation)</li> </ul> <p><b>Please tick to confirm:</b></p> <p><input type="checkbox"/> I consent to the information in this form being shared, where appropriate, to assess risk and identify support.</p>	

**To be completed by authorised member of staff:**

<b>Interview conclusion and recommended action (if unclear, seek advice from DDSL/DSL)</b>	
Proceed with application / remain on programme – no further action required	
Proceed with agreed conditions/support plan (detail below)	
Risk assessment to be completed in conjunction with Student Support and Safeguarding Team	
Unable to proceed at this time (detail reasoning below)	
<b>Summary of key discussion points and considerations:</b>	

**Details of any agreed support or conditions:**

**Staff Completing This Form:**

**Name:**

**Role:**

**Date:**

**Appendix 2:**

**Further Support:**

Activate Learning's Safeguarding Team – [safe@activatelearning.ac.uk](mailto:safe@activatelearning.ac.uk)

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

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

Nacro Helpline: Call 0300 123 1999 or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)

Nacro – [Spent convictions poster](#)

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

Unlock [Helpline](#) - call 01634 247350 or Message or WhatsApp on 07824 113848