

Criminal Records Procedure

Document title:	Criminal Records Procedure
Audience:	Staff, Students and Governors
Version:	1
Approved by:	SLT
Date approved:	07 May 2024
Date of next review:	07 May 2026
Document author(s):	Interim Assistant Principal – Corporate Support
Document owner:	Director of People Services
Date issued:	08 May 2024

Revision history

Version	Type (e.g. replacement, revision etc...)	Date	History (reason for changes)

Monitoring and review

This procedure will be reviewed by the Safeguarding Steering Group every two year/s in line with the Safeguarding Policy.

Purpose

Bradford College does not wish to exclude individuals with criminal records from taking advantage of the opportunities provided by further education. However, the College must balance the interests of the applicant with its responsibilities to the College community and so reserves the right to decline an application where a criminal conviction makes a College placement unsuitable.

A criminal record will not be regarded as an obstacle to studying on any programme offered by the College and convictions which are deemed "spent" under the terms of the Rehabilitation of Offenders Act 1974 will not be taken into account even where disclosed. NB. Some convictions are deemed as "exceptions" under the terms of the Rehabilitation of Offenders Act 1974 and where these spent offences are required to be disclosed this will be indicated on the application form (teaching, social work, childcare etc).

Legislation

Balanced against the duty to protect and care for members of their community, Bradford College must consider the legal rights of their applicants under the [Rehabilitation of Offenders Act 1974](#), amendments to which were brought into force in both 2014 and 2023. Bradford College staff will not make moral judgements concerning the past actions of an applicant; the assessment of an applicant's criminal convictions is to determine whether:

- a. an applicant poses an unacceptable risk to the College community; or
- b. the applicant is unable to meet the particular professional or statutory requirements that exist for some courses.

Applicants cannot be required to declare convictions that are 'spent' (please see Appendix I) under the Rehabilitation of Offenders Act 1974 (except in the case of those courses which require an Enhanced DBS).

Grounds for Refusing Admission

Bradford College will identify whether the criminal record of an applicant gives reasonable grounds for considering that the admission/continuation of studies of the individual:

- (a) poses a real threat to the safety, safeguarding or property of staff, students, visitors, those coming into contact with the applicant during their studies; or
- (b) would be contrary to the law or to the requirements/guidance of any relevant professional or other regulatory body.

Responsibilities

The **Head of Reporting & System Services** is responsible for ensuring that:

- Weekly reports are sent to the Safeguarding Team

The **Head of Student Services** is responsible for ensuring that:

- Identified students are contacted within 10 working days
- EBS is updated if conviction declared in error
- Risk Assessments are completed
- RA papers are prepared for the panel meeting and EBS updated afterwards with the outcome
- RA and outcome letter uploaded onto CPOMS
- Career guidance offered if chosen course not acceptable

The **Head of Student Recruitment** is responsible for ensuring that:

- 19+ and HE students are placed onto a holding code until RA completed or EBS updated

- 16 – 18 students are processed but no confirmed offer is sent until RA completed or EBS updated
- Weekly monitoring of the dashboard to identify changes in student status and re-activation of applications
- Students where the Criminal Conviction box is ticked but the Risk Assessment box is not, are unable to enrol

The **Designated Safeguarding Lead** is responsible for:

- Chairing the panel meeting
- Sending outcome confirmation letters cc to safeguarding@bedfordcollege.ac.uk and HoD

Process

All applicants are required to disclose relevant unspent (and in the circumstances mentioned above, spent) offences when applying for admission to Bradford College. If information relating to offences is not given or is incomplete, then the College reserves the right, at any stage, to reject the application.

Currently, applications for DBS checks are made by Bradford College for the following courses:

Childcare and Early Years Health and Social Care

Education Social Work

Ophthalmic Dispensing

Where applicants/students have disclosed an unspent criminal conviction, wish to make a voluntary disclosure about a spent conviction or have a spent conviction and are applying for a course which requires a DBS check, they will be contacted by a member of the College's Safeguarding team within 10 working days in order for form CC1 to be completed.

The form must be completed with the applicant/student present so that all relevant details can be captured. It is illegal to ask a student about spent convictions unless they require a DBS check under the ROA. However, some students may wish to voluntarily disclose a spent conviction which may then necessitate a risk assessment being carried out for safeguarding purposes. In such cases, the CC1 form should be completed in full.

It is the responsibility of the member of staff to fully explore the circumstances of any criminal conviction(s) with the applicant to help inform the subsequent risk assessment. They must also ensure that the applicant/student understands the consequences of not answering the questions truthfully.

Applicants/students may be required to provide information from other third parties who may have a view on their suitability for the course of study. The parties may include probation officers and others who are professionally or personally involved in the rehabilitation of the applicant or are familiar with the applicant. When the form is completed, it will be used to inform the risk assessment and subsequent panel decision as to whether to accept or decline an applicant based on the level of risk. This panel will be formed from the Safeguarding Steering Group membership.

The Designated Safeguarding Lead will communicate the panel's decision to the student in writing within 21 calendar days. If admission has not been allowed, then the notification will provide a

summary of the reasons why and the withdrawal of any offer that has already been made. See Appendix V for letter template. EBS to be updated and relevant HoD to be notified.

The completed CC1 form will be stored within CPOMS. In the interests of protecting other staff and students, to facilitate enrolment and the provision of any reasonable adjustments, the fact that a risk assessment has been undertaken will be recorded on EBS. NB. If the Criminal Conviction box has been ticked and the Risk Assessment box has not been completed then enrolment will not be able to progress.

If an applicant has been declined admission, then they may appeal to the College CEO & Principal. Such appeals must be lodged in writing within 14 days of the date of the written notification of the decision that admission has been denied.

If a DBS check is returned as positive and the applicant is unable to enrol on the programme of choice because they cannot meet the professional or statutory requirements for the programme, they will be offered an appointment with a Bradford College Careers Adviser so that they may obtain information, advice and guidance on alternative options.

If a student obtains a criminal record after admission, or a DBS identifies a conviction that was not previously declared, then the matter shall be dealt with under either the Positive Behaviour Policy or the Fitness for Professional Practice procedures and in liaison with the College Safeguarding Team.

Ongoing Obligations

If at any stage between application and completion of a programme of study an individual is charged with an offence that would ordinarily or potentially lead to a custodial sentence or if they are convicted of a criminal offence, then they shall immediately inform their prospective (if an applicant) or existing (if a student) Head of Department or the relevant Assessor (if an apprentice) who must then refer the matter to the Safeguarding Team and the above process will be followed.

False Declaration or Failure to Declare

If at any stage an applicant/student fails to disclose accurate information on their past criminal record, then this will be regarded as an extremely serious matter and may lead to any offer being withdrawn; if the applicant has commenced their programme of study, the student may be required to cease their studies and may be subject to disciplinary procedures.

Security

All paper based criminal records disclosures will be destroyed using the confidential waste service. In accordance with Data Protection legislation, access to information relating to criminal records will be restricted to the Safeguarding Team through CPOMS.

SPENT?



The Rehabilitation of Offenders Act 1974 gives people with spent cautions and convictions the right not to disclose them when applying for most jobs, courses, insurance, or other purposes.

Important changes reducing the rehabilitation periods of custodial and community sentences under the Act were implemented on 28 October 2023.

Rehabilitation periods for non-custodial sentences - which start from date of conviction

Sentence/disposal	Rehabilitation period for adults (aged 18 or over at the time of conviction, or at the time the disposal is administered)	Rehabilitation period for young people (aged under 18 at the time of conviction, or at the time the disposal is administered)
Absolute discharge	Spent immediately	Spent immediately
Bind over	At the end of the order	At the end of the order
Compensation order	When paid in full	When paid in full
Community order or youth rehabilitation order	At the end of the order	At the end of the order
Conditional caution/ diversionary caution/ youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Conditional discharge order	At the end of the order	At the end of the order
Caution/youth caution	Spent immediately	Spent immediately
Endorsements (imposed by a court/FPN)	5 years	2½ years
Fine	1 year	6 months
Hospital order (with or without restriction)	When order ceases to have effect	When order ceases to have effect
Referral order	N/A	At the end of the order
Relevant order	When order ceases to have effect	When order ceases to have effect
Reparation order	N/A	Spent immediately

Rehabilitation periods for custodial sentences - which have a buffer period

Prison sentence or detention in a young offender institution for 12 months or less	Total length of sentence (including licence period) plus 1 year	Total length of sentence (including licence period) plus 6 months
Prison sentence or detention in a young offender institution for over 12 months and up to and including 48 months (4 years)	Total length of sentence (including licence period) plus 4 years	Total length of sentence (including licence period) plus 2 years
Prison sentence or detention in a young offender institution for over 48 months (4 years)	Total length of sentence (including licence period) plus 7 years	Total length of sentence (including licence period) plus 3½ years
Prison sentence or detention in a young offender institution for over 48 months (4 years) following a conviction for any serious violent, sexual, or terrorist offences listed in Schedule 18 of the Sentencing Act 2020, or a public protection sentence (of any length)	Never spent	Never spent

Contact our Criminal Record Support Service

Telephone: 0300 123 1999 (Monday-Thursday, 9am-5pm and Friday 1pm-5pm)

Email: helpline@nacro.org.uk

Visit: nacro.org.uk/CRSS

Registered charity no. 226175

Appendix II

Application/Enrolment Form Details

Bradford College has a Duty of Care to provide a safe and secure environment for its staff, students and visitors. Therefore, the College will balance the interests of the applicant with its responsibilities to the College community and so reserves the right to decline an application where a criminal conviction makes a College placement unsuitable. Failure to disclose convictions may lead to disciplinary action and/or the termination of a place at College. For further advice please contact NACRO: helpline@nacro.org.uk or call 03001231999

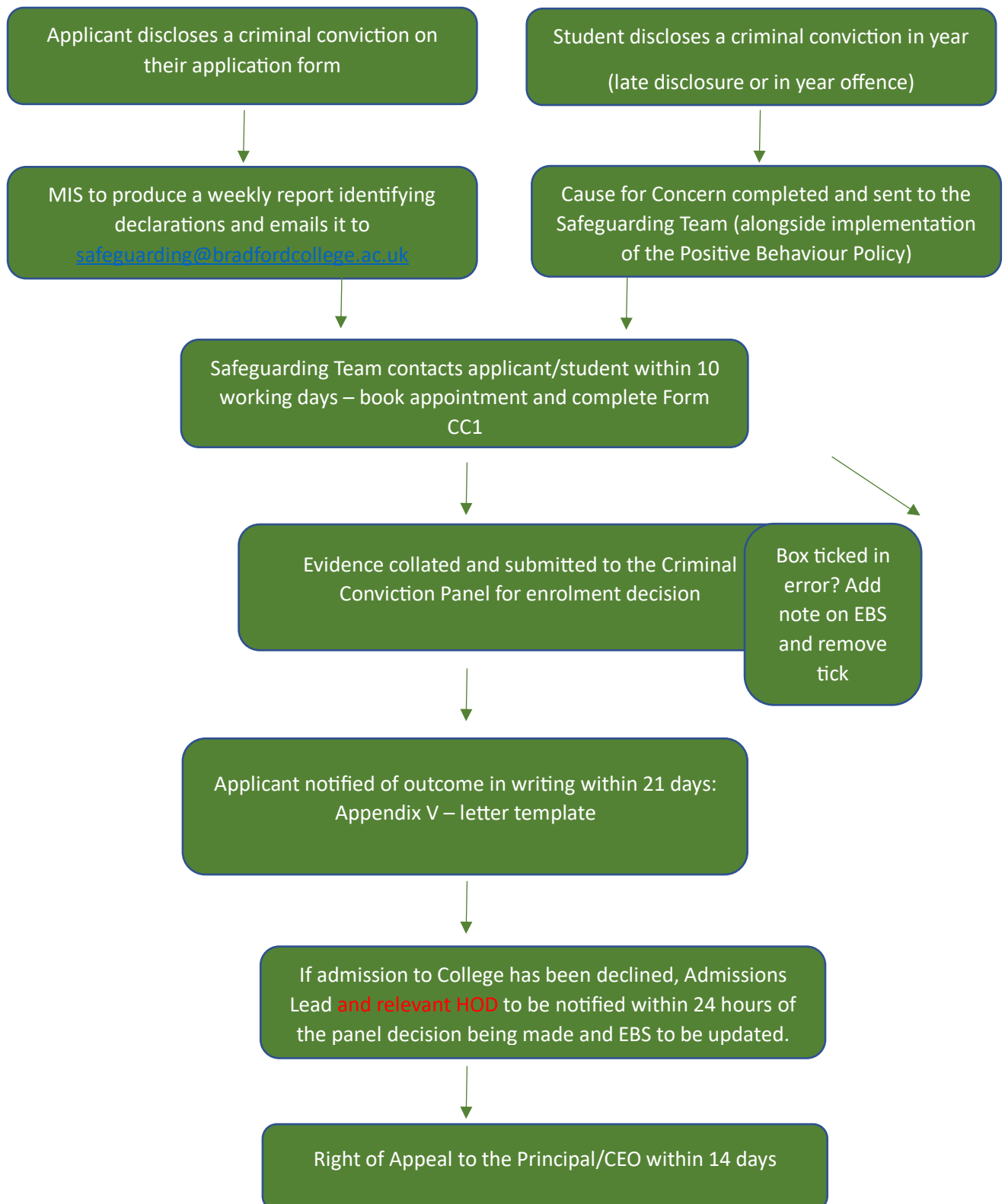
Do you have any unspent criminal convictions or wish to disclose anything that may affect your application? Yes/No

Are you applying for a course that requires a DBS check under the Rehabilitation of Offenders Act (eg teaching, social work, childcare)? Yes/No

If Yes, do you have any spent or unspent criminal convictions? Yes/No

Please note, if you have made a disclosure above, a member of the College's Safeguarding Team will be in touch to discuss your application further.

Appendix III



Appendix IV

CC1 - Student Criminal Conviction Disclosure form (to be read and completed in conjunction with the Criminal Convictions Process)

1. APPLICANT/STUDENT DETAILS

Applicant/Student name	
Date of birth	
Course (applied for if applicant)	
Year of entry/start date	

2. ELIGIBILITY DETAILS

2.1 Does the applicant/student have an unspent criminal conviction or wish to disclose anything that may affect their application?	Yes <ul style="list-style-type: none"> Complete section 3.1 and section 4 Applicant/Student to sign declaration in section 5 CC1 form processed as per procedure 	No <ul style="list-style-type: none"> If student is applying for a course which is subject to a DBS check* under the ROA** exceptions order, go to 2.2
2.2 Is the course subject to a DBS check under the ROA exceptions order?	Yes <ul style="list-style-type: none"> Go to 2.3 	No <ul style="list-style-type: none"> No further action. If CC box ticked in error on EBS – add note and untick
2.3 If applying for a course which is subject to a DBS check under the ROA exceptions order*** does the student have a conviction which is spent or unspent?	Yes <ul style="list-style-type: none"> Complete section 3.1 and section 4 Applicant/Student to sign declaration in section 5 CC1 form processed as per procedure 	No <ul style="list-style-type: none"> Applicant/Student to sign declaration at 2.4. Retain page 1 of CC1 form with student file. No further action
Member of staff's name:		
Date of meeting:		

*Disclosure and Barring Service

**Rehabilitation of Offenders Act

*** Childcare and Early Years, Health and Social Care, Education, Social Work, Ophthalmic Dispensing

3.1 DETAILS OF CONVICTION (to be completed by a member of the Safeguarding Team)		3.2 RISK ASSESSMENT (to be completed by Criminal Conviction Panel only.		
Question	Notes/details here	High	Medium	Low
Type and description of offence (Refer to definitions in section 6)		Serious	Moderately serious	Minor
Any aggravating factors to take into account? (Refer to definitions in section 6)		Yes, serious cause for concern	Some	No
What was the sentence and how long was it for?		Custodial	Suspended, community or conditional discharge	Warning/caution/ Reprimand/fine/ Absolute discharge
When was the offence committed?	Please give date	In the last 2 years	Between 2-5 years	More than 5 years
Is there a pattern of specific offences? If yes, give details		Yes	Some instances	No pattern
Does the student give any mitigating circumstances? (Refer to definitions in section 6)		No	Some mitigating circumstances	Yes
How likely is the student to offend again and what evidence is there?		Very likely	Possible	Not likely

3.1 DETAILS OF CONVICTION (to be completed by a member of the Safeguarding Team)		3.2 RISK ASSESSMENT (to be completed by Criminal Conviction Panel only.		
Question	Notes/details here	High	Medium	Low
What is the student's attitude towards the offence?		No awareness/remorse	Some awareness/remorse	Full awareness/remorse
Any other factors to consider/Information shared from third party?		What is the outcome of references sought from third parties?		
		High degree of concern	Some degree of concern	No concern
Completed by Date When sections 3.1, 4 and 5 have been completed, pass to the Safeguarding Team Leader for section 3.2 to be completed at the Criminal Convictions Panel. Please advise the student that they will be contacted in writing within 21 days when a decision has been made. All data must be kept confidential.		Panel member 1:		
		Panel member 2:		
		Panel member 3:		
		Date of panel meeting:		
		Panel decision		
		High risk Do not accept Send CC4 letter	Medium risk Accept with risk measures in place Send CC3 letter	Low risk Accept. No risk measures necessary Send CC2 letter
		Date student informed of panel decision:		

4. INFORMATION FROM A THIRD PARTY

Where possible, particularly for convictions with custodial sentences, the College will seek a letter of reference from a probation officer, social worker or other suitable third parties/agencies to verify the student's suitability for the course. The student must provide contact details here:

Name	
Organisation	
Role/position	
Address	
Tel	
Email	

5. STUDENT DECLARATION

- I confirm that the information on this form is true and accurate.
- I give my permission for the College to contact any agencies/individuals to provide references. I give my permission for the agencies/individuals named above to share information relating to my offending and any risk factors with the College.
- I understand that information relating to my support needs may be shared with the College's Safeguarding and Wellbeing teams.
- I understand that failure to declare accurate information about a conviction may lead to termination of my application/enrolment.
- I understand that if I am subsequently convicted of a criminal offence and fail to disclose this whilst I am a student at Bradford College, my place at College may be at risk.
- I understand that this information will be kept confidential and will be stored, processed and disposed of in accordance with data protection legislation

Student's signature:

Date:

6. DEFINITIONS

Type and description of offence

N.B This is not an exhaustive list. Categorisation of offence (serious, moderately serious or minor) depends on offence type and whether one or more aggravating factors apply and/or whether offences are one off incidents or are repeated)

Serious offence	<ul style="list-style-type: none"> • Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm • Offences listed in the Sex Offences Act 2003 • The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking • Offences involving firearms • Offences involving arson • Offences listed in the Terrorism Act 2006
Moderately serious offence	<ul style="list-style-type: none"> • Burglary • Possession of illegal drugs • Drink driving • Persistent motoring offences
Minor offence	<ul style="list-style-type: none"> • Most minor motoring offences • Petty theft • Disorderly behaviour • Minor criminal damage

Aggravating factors

- offence committed whilst on bail for other offences;
- failure to respond to previous sentences;
- offence was racially or religiously aggravated;
- offence motivated by, or demonstrating, hostility to the victim based on a protected characteristic (or presumed characteristic);
- previous conviction(s), particularly where a pattern of repeat offending is disclosed;
- planning of an offence;
- an intention to commit more serious harm than actually resulted from the offence;
- offenders operating in groups or gangs;
- 'professional' offending;
- commission of the offence for financial gain (where this is not inherent in the offence itself);
- high level of profit from the offence;
- an attempt to conceal or dispose of evidence;
- failure to respond to warnings or concerns expressed by others about the offender's behaviour;
- offence committed whilst on licence;
- offence motivated by hostility towards a minority group, or a member or members of it;
- deliberate targeting of vulnerable victim(s);
- commission of an offence while under the influence of alcohol or drugs;

- use of a weapon to frighten or injure victim;
- deliberate and gratuitous violence or damage to property, over and above what is needed to carry out the offence;
- abuse of power;
- abuse of a position of trust.

Factors indicating a more than usually serious degree of harm:

- multiple victims;
- an especially serious physical or psychological effect on the victim, even if unintended;
- a sustained assault or repeated assaults on the same victim;
- victim is particularly vulnerable;
- location of the offence (for example, in an isolated place);
- offence is committed against those working in the public sector or providing a service to the public;
- presence of others for example, relatives, especially children or partner of the victim;
- additional degradation of the victim (for example, taking photographs of a victim as part of a sexual offence);
- in property offences, high value (including sentimental value) of property to the victim, or substantial consequential loss (for example, where the theft of equipment causes serious disruption to a victim's life or business).

Mitigating factors

- a greater degree of provocation than normally expected;
- mental illness or disability or other protected characteristic;
- vulnerable and influenced/coerced by another perpetrator;
- youth or age, where it affects the responsibility of the individual defendant;
- the fact that the offender played only a minor role in the offence;
- genuine remorse;
- admissions to police in interview;
- ready co-operation with authorities

Information sourced from the Sentencing Council's website <https://www.sentencingcouncil.org.uk/>

Ref: (Student Number)

PRIVATE & CONFIDENTIAL

Dear

Thank you for your cooperation in meeting with us regarding your criminal conviction. As previously stated, Bradford College has a Duty of Care to provide a safe and secure environment for its staff, students and visitors. We must balance the interests of applicants with a criminal conviction with our responsibilities to the whole College community and so reserve the right to decline an application where a criminal conviction has the potential to make a College placement unsuitable.

The Criminal Conviction review panel has now met and have determined that:

- (a) You are clear to attend the College and the course for which you have applied.
- (b) You are clear to attend the College and the course for which you have applied but there will be some additional measures put in place. These measures are: ****Please complete based on panel outcome and risk assessment for example a behaviour contract***
- (c) Unfortunately, we are unable to accept your application at this time and as such you are not able to attend the College this academic year. If you have already received a course offer, this letter withdraws that offer and our systems will be updated to reflect this.

****Please choose one and delete as appropriate***

Best wishes

Sarah Cooper
Designated Safeguarding Lead