Cardiff and Vale College
Coleg Caerdydd a'r Fro

Screening of Applicants and Learners who are Ex-Offenders Procedure

Scope and Purpose

1.1 The purpose of this procedure is to ensure that applicants with unspent criminal convictions are given every opportunity to take an appropriate course at Cardiff and Vale College providing the College can maintain its duty to provide a safe and secure environment for its learners, staff and visitors.

1.2 This procedure applies to all full-time and part-time applicants who have unspent criminal convictions as defined by the Rehabilitation of Offenders Act (1974). Some professions are exempt from this Act and as a result spent and unspent convictions may impact on an individual's ability to enrol on certain courses.

1.3 Disclosure of unspent convictions is a condition of enrolment and re-enrolment and learners will be required to disclose unspent convictions on an ongoing basis.

Procedure

The College is committed to the rehabilitation of offenders and supports their right to education. The College will therefore make every effort to ensure that applicants with criminal convictions are given every opportunity to benefit from the programmes of study provided it can ensure its safeguarding commitment to the whole College.

Disclosure of convictions on the application form

Applicants are only required to disclose a criminal conviction on the application form and enrolment form if it is unspent. Under the Rehabilitation of Offenders Act (1974) any conviction for a criminal offence can be regarded as spent provided:

- A specified period has passed since the conviction and the applicant has not re-offended during this period. The specified time periods are documented in the supporting document outlining the Rehabilitation of Offenders Act (1974).
- The conviction did not carry a sentence excluded from the Act, for example, a custodial sentence of more than 2 ½ years.
- Minor motoring offences: These need not be disclosed on the College application form.

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Risk Assessment Procedure and Guidelines

- The College will work with the Probation Service, Youth Offending Service and other appropriate partners in the community to carry out a fair and thorough risk assessment for applicants with unspent convictions (Appendix 1).

- Applicants who disclose an unspent conviction at any stage of the admissions process will be sent a Criminal Record Disclosure form with a covering letter (Appendix 2).

- Applicants who do not respond will be sent one reminder to return the form and if they do not respond to that they will be informed in writing of the College's intention to withdraw their application.

- No applicants will be enrolled in the College without returning the form and if appropriate a risk assessment.

- In cases where there is a failure to declare an unspent conviction which is subsequently identified, this may result in the learner being asked to leave the college.

Disclosure of Convictions at Admissions Interview and DBS checks

Although 'spent' convictions need not be disclosed on the application or enrolment form, applicants for some College courses will need to disclose all criminal convictions at the admissions interview**.** Applicants will be asked during the admissions process to apply for an enhanced disclosure document from the Disclosure and Barring Service (DBS) at their own cost.

This will be required for courses:

- Which lead to professions exempted by the Rehabilitation of Offenders Act, for example; teaching, Social Work, Police Service, Probation Service and the Legal Profession.

- That involve contact with young people and/or vulnerable adults or undertaking regulated activity within the meaning of the Safeguarding Vulnerable Groups Act 2006, the Police Act 1997 and the National Health Service Reform and Health Care Professions Act 2002, Financial Services and Markets Act 2000.

Applicants for such courses **must disclose all convictions**, including spent convictions, cautions, including verbal cautions, reprimands, final warnings and bind-over warnings. Failure to disclose these convictions at the admissions stage may result in their application being refused at a later date.

Disclosure after the start of the course

We advise all applicants to disclose convictions prior to enrolment as described above to enable us to complete any risk assessment before the start of the course. If a student discloses after the start of the course, we will follow the procedures as described above. Depending on the nature of the crime, we may require the student to suspend their studies or withdraw from College, pending the result of any risk assessment.

Professional and unbiased careers guidance

In line with the College's commitment to excellence in Careers Education and Guidance, applicants who disclose criminal convictions will be made aware of the likely impact of these on a chosen career path. However, applicants judged not to be a risk to the College community, may still undertake that programme of study if they have objectives other than seeking employment in that particular profession.

Support needs of ex-offenders

The College strives to provide a range of specialist support services for its learners and views the risk assessment process as an essential stage in assessing the range of needs that ex-offenders may have. The risk assessment interview therefore provides an excellent opportunity to arrange any necessary support at the outset to give applicants the best possible chance of success on their chosen course.

Confidentiality and Data Protection

- Risk assessments will be carried out in a sensitive, discreet and confidential manner, taking into account the needs of all concerned. Sharing sensitive information will be done on a strictly 'need to know' basis.

- Records will be kept securely, will only be accessed by senior College staff and destroyed when a learner completes his/her course or leaves the College, whichever is the earliest, or at the end of the academic year that their conviction becomes spent.

Equality and Diversity Statement

- Cardiff and Vale College is committed to the fair treatment of its users of its services, regardless of race, gender, religion, sexual orientation, age, physical/mental disability or offending background. We actively promote equality of opportunity and welcomes applications from a diverse range of individuals including those with criminal convictions. Applicants are selected for courses based on their skills, qualifications and experience and not on their background or personal circumstances.

- Having a criminal conviction will not prevent an individual from studying at College, provided they do not pose a risk to the College community.

- This procedure has been written taking into account guidance on equality impact

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assessments and NACRO best practice.

Health and Safety Implications

There are significant health and safety implications for this Policy and the College reserves the right to include the Health and Safety Manager on the risk assessment panels for those who disclose unspent convictions.

Linked Policies

- Admissions
- Equality and Diversity
- Safeguarding
- Fit to Study
- Learner Relationship Management
- Progressions
- Health & Safety
- Data Protection
- Teaching, Learning and Assessment
- Quality

Welsh Language Standards

This procedure provides opportunities for persons to use either the Welsh or English language. The duties which come from the Standards mean that organisations should not treat the Welsh language less favourably than the English language, together with promoting and facilitating the use of the Welsh language i.e. making it easier for people to use in their day-to-day life.

Linked Procedures

- Guidelines for Risk Assessing Ex-Offenders
- Admissions
- Equality and Diversity
- Health and Safety
- Data Protection Procedure
- Safeguarding

Procedure Appendices

Appendix 1 - Criminal Record Disclosure Form
Appendix 2 - Risk Assessment Form (for applicants who have disclosed a criminal conviction)
Appendix 3 – Frequently Asked Questions
Appendix 4 – Initial Form to applicant after disclosure of CRD.

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Location and Access to the Policy

This is available from the website/ staff intranet/ Moodle and may be out of date if printed.

There is a Welsh version of this document available.

Date approved: 6 July 2011	**Responsible Manager: Dean of Quality Improvement**
Approved by: CQSA	**Executive Lead: Deputy Principal for Curriculum & Standards**
Review date: 18/09/20	**Accessible to Students: Yes**

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Appendix 1: Risk Assessment Form 2018-19 (for applicants who have disclosed a criminal conviction)

CRD RISK MATRIX

SIN	RISK TYPE	RISK DESCRIPTION	AGGRIVATING FEATURES	MITIGATING FEATURES	RISK SEVERITY	RISK LIKELIHOOD	IMPACT LEVEL	PARTY RESPONSIBLE	CONTROL MECHANISMS	ACCEPTABLE TO PROCEED?

Head of Additional Learning Needs & Wellbeing.....

Dean of Qaulity Improvement.....

Safegurding Co-ordinator.....

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		SEVERITY			
		ACCEPTABLE LITTLE TO NO EFFECT ON COLLEGE, LEARNERS OR STAFF	TOLERABLE EFFECTS ARE FELT, BUT MANAGBLE WITH CONTROL MEASURES	UNDESIRABLE SERIOUS IMPACT TO THE COLLEGE, LEARNERS OR STAFF	INTOLERABLE RISK TOO MUCH TO MANAGE FOR COLLEGE, STAFF AND LEARNERS
LIKELIHOOD	IMPROBABLE RISK IS UNLIKELY TO OCCUR	LOW – 1 –	MEDIUM – 4 –	MEDIUM – 6 –	HIGH – 10 –
	POSSIBLE RISK WILL LIKELY OCCUR	LOW – 2 –	MEDIUM – 5 –	HIGH – 8 –	EXTREME – 11 –
	PROBABLE RISK WILL OCCUR	MEDIUM – 3 –	HIGH – 7 –	HIGH – 9 –	EXTREME – 12 –

RISK TYPE
ROLE MODELING FOR LEARNERS
DAMAGE TO REPUTATION OF COLLEGE GROUP
INAPPROPRIATE COURSE CHOICE
RISK TO LEARNERS
RISK TO STAFF AND ALLIED PARTNERS
DAMAGE TO PROPERTY/RESOURCES/FINANCES
HIGH PROFILE OFFENDER/ KNOWN IN LOCAL COMMUNITY
NATURE OF OFFENCE DISCLOSED
ENGAGEMENT WITH STAUTORY SERVICES
WORK EXPERIENCE PLACEMENTS
ACCESS TO IT/INTERNET
ACCESS TO VOCATIONAL RESURCES (WORKSHOPS ETC)
AVAILABLE REOSURCES AGAINST RISK
PROPENSITY/PATTERN OF OFFENDING
LACK OF REMORSE

RISK SEVERITY KEY
ACCEPTABLE
TOLERABLE
UNDESIRABLE
INTOLERABLE

RISK LIKELIHOOD KEY
IMPROBABLE
POSSIBLE
PROBABLE

RISK LEVEL KEY
LOW
MEDIUM
HIGH
EXTREME

CONTROL MECHANISM
MAPPA CORE GROUP LEARNER
PROBATION RISK LEVEL
WORKING WITH EXTERNAL AGENCIES (PROBATION, POLICE, YOUTH OFFENDING, SOCIAL SERVICES)
INTERNAL SUPPORT MECHANISMS (ALN, WELLBEING)
LENGTH OF TIME SINCE OFFENCE
SAFETY PLAN

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Appendix 2: Frequently Asked Questions 2018-19
(for applicants who have disclosed a criminal conviction)

Criminal Record Disclosure –

Frequently Asked Questions

How will my data be handled?

1. The details requested on this form will be treated sensitively and in the strictest confidence in line with the Data Protection Act 1998 and associated legislation.

What is the process for assessing my disclosure?

1. The information on this form will initially be processed by a designated team member from Student Services with responsibility for CRD disclosures.

2. The designated team member from Student Services will notify the Safeguarding team who, if appropriate given the nature of disclosure, a risk assessment will be undertaken.

3. If a risk assessment is deemed necessary, one of the outcomes will happen;

   - We are able to process your application.
   - We are able to consider your application providing you agree to certain conditions or support.
   - We are not able to consider your application at the present time.

What should I do if I am working with the probation service or any other statutory service?

1. It is important if you are working or being supervised by the probation service, youth offending team or any other statutory agency that you speak to them about your intentions to study at college and show them the attached form.

Where can I find further information?

1. The charity, NACRO has a range of information available on their website and confidential advice. NACRO can be accessed by visiting www.nacro.org.uk, emailing helpline@nacro.org.uk or calling 0300 123 1999.

What will happen If I do not return this form?

1. No applications will proceed to enrolment at the college until this document is returned and if appropriate, a risk assessment carried out. The college reserves the right to withdraw your application if the form is not returned.

Where should I return this form?

1. You can return this form in two ways.

2. By post to:

   Mrs Jenny Newham
   Admissions Co-ordinator
   Cardiff and Vale College
   City Centre Campus
   Dumballs Road
   Cardiff
   CF10 FE

3. By email to: JNewham@cavc.ac.uk

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Appendix 4 – Initial Form for Applicants following disclosure.

Criminal Record Disclosure Form

Please complete all the sections below

1

Full Name:	
Date of Birth:	
Course Applied for:	

2

Please give details of all unspent offences for which you have been convicted.(Please include dates and any prosecution which you are currently facing)
If you are applying for a course leading to work with children (under 18), vulnerable adults, social services, uniformed services or the health service, please also provide information on any spent convictions
If you are on probation at the moment, please give us permission to discuss your case with your: Probation Officer, Drugs Worker, Youth Offending Officer, or any other appropriate person
Details of person to contact:
Address of person to contact:
Telephone number:

3

I give you permission to discuss my case with the person named above as necessary	Yes		No	

I declare that to the best of my knowledge and belief, everything documented in this form is accurate and up to-date. I also authorise Cardiff and Vale College to make an application to obtain all previous convictions, should they be required.

Signed: **Date:**