



Learning Development Unit (Quality)

Changes from 2006 version are highlighted

Procedure for Processing Applications which Disclose Relevant Criminal Convictions

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MANAGEMENT AREA	Principal
APPROVED BY	Senior Management Team
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INVESTOR IN PEOPLE

PROCEDURE FOR PROCESSING APPLICATIONS WHICH DISCLOSE RELEVANT CRIMINAL CONVICTIONS

1. PURPOSE

- 1.1 This document describes the procedure for responding to a disclosure by an applicant of a relevant criminal conviction during the application or enrolment process.

2. SCOPE

- 2.1 This procedure applies to all College courses other than courses which involves working with children or vulnerable adults where full Criminal Records Bureau (CRB) checks are included as part of the admissions/enrolment procedure.

3. STATEMENT OF PRINCIPLES

- 3.1 In accordance with its Equality and Diversity Policy the College will not discriminate against people with criminal convictions, but will take admissions decisions based upon individual circumstances following a risk assessment.
- 3.2 In accordance with the Data Protection Policy information concerning an applicant's criminal conviction will be processed by the College to assess the risk to the safety of students, staff and property of admitting the applicant. Information disclosed by an applicant will be shared only with those persons within the College who are required to have access to it in the course of assessing such risk and making a decision regarding admission. It will not otherwise be disclosed to third parties outside the College. Students who disclose a relevant conviction will not be excluded from the admissions process. However the College will want to consider the application further before making a decision.
- 3.3 The College may withdraw that offer or cancel a place which has been accepted or terminate the registration of an individual who is subsequently discovered to have omitted or falsified information concerning relevant criminal convictions

4. MANAGEMENT RESPONSIBILITY

- 4.1 Principal

5. APPLICABLE TO:

- 5.1 All staff

6. DEFINITIONS: RELEVANT LEGISLATION

- 6.1 **'Relevant' Convictions:** relevant convictions are those which can include convictions for offences against the person whether of a violent or sexual nature and for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
- 6.2 **'Spent' Convictions:** Convictions that are 'spent' as defined by the Rehabilitation of Offenders Act 1974 are not considered to be relevant and do not have to be disclosed by applicants unless an applicant is applying for courses involving work with children or vulnerable adults. For these courses any criminal convictions are exempt from the Rehabilitation of Offenders Act and applicants are required to obtain enhanced CRB

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disclosure. If the CRB check identifies that a student has a criminal conviction this information will be made available to the College. (see Appendix 4 for further information on the rehabilitation of Offenders Act)

6.3 Data Protection

6.3.1 Information about an applicant's relevant criminal convictions is classed as 'sensitive' under the Data Protection Act 1998. This data which must be treated as confidential and not disclosed to a third party without the explicit consent of the individual concerned.

7. DESCRIPTION

7.1 Completion of Application Form

7.1.1 The Student Declaration on the College's FT or PT application form requests applicants to disclose whether they have any relevant criminal conviction by completing form CSV8 (see Appendix 3 attached) which is available from the Enrolment Centre. Applicants are also requested to tick a box to confirm that they understand that their enrolment may be subject to a Risk Assessment by the College if they have disclosed a criminal conviction. The student declaration must be signed by the applicant before their enrolment can be progressed.

7.1.2 Students who enrol in person or by phone without completing an enrolment form are also asked to disclose any relevant criminal conviction by the enrolments staff. Any such disclosure requires the completion by the applicant of form CSV 8.

7.1.3 When an applicant discloses that they have a relevant conviction during the enrolment process, his/ her personal details and course choice(s) are recorded on the College's computerised student record system with a progress code to denote that the enrolment is subject to a risk assessment. The student will not be charged fees at this stage or issued with a learning agreement.

7.1.4 When a student with a relevant conviction is entered on EBS then a 'flag' will be applied so that if their details are accessed for a new enrolment a screen message will request referral to the Enrolments Manager before proceeding.

7.2 External Referral

7.2.1 Applicants referred to the College from Staffordshire Probation Service will complete a Probation Service 'consent to disclosure' form in addition to the CSV 8 form.

7.2.2 Applicants referred from a 'secure unit' such as the Hatherton Centre will be considered in relation to a separate procedure produced by the Hatherton Centre (see Appendix 5).

7.3 Completion of Form CSV8

7.3.1 Form CSV 8 is issued by Enrolments staff to applicants who disclose a relevant conviction together with a pre-paid envelope marked private and confidential for the attention of the Enrolments Manager.

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7.3.2 If an application form is sent to the College from an applicant in prison, form CSV 8 is sent to the applicant together with a request for the name and contact details of a senior prison official to support the application.

7.3.3 On completion and return the CSV8 form is logged by the Enrolments Manager and sent on to the relevant Head of Faculty or Unit in a confidential envelope. The applicant will be advised that their enrolment will be subject to the outcome of a risk assessment.

7.4 Risk Assessment (see summary flowchart in appendix 6)

7.4.1 Normally within 7 working days of receipt of form CSV 8 a risk assessment will be made by the Head of Faculty/Unit to determine whether the applicant can be accepted on their chosen course. The Head of Faculty/Unit may decide to convene a Panel to undertake the risk assessment if, for example, the criminal conviction disclosed relates to offences against the person (whether of a violent or sexual nature) or for unlawfully supplying controlled drugs or substances. This Panel will be chaired by the Head of Faculty/Unit and will normally include the Skills for Life Manager and Quality Manager. Advice may be sought from the College Health and Safety Adviser or Staffordshire Probation Service.

7.4.2 The risk assessment will consider whether the risk posed by an applicant's admission can be managed by setting conditions on the enrolment regarding attendance, restricted access, course times etc

7.4.3 Following the risk assessment if it is decided that admitting the applicant would pose a medium or high risk to current students, staff or users of the College and/ or to the applicant then he/ she will not be enrolled. A letter will be sent by the Head of Faculty/Unit to inform the applicant which will include details of the right to appeal to the Principal (see section 7.5).

7.4.4 If admission is approved with conditions then the letter will give details and security staff will be notified if there any conditions attached to the students attendance relating to access to College premises and courses. Copies of the acceptance letter will be sent to the Faculty Manager, Course Leader and the Enrolment Manager.

7.4.5 If admission is approved the Head of Faculty will inform relevant members of the teaching staff if the applicant is considered to pose a current risk. In these circumstances the staff will be advised that this information is sensitive confidential data which must not be shared without the applicant's consent.

7.5 Appeal

7.5.1 The Principal may delegate the hearing of an appeal to either of the Vice-Principals and any appeal will normally be considered within 10 working days of the date of submission. The decision of the appeal hearing shall be final.

7.6 Confidentiality

7.6.1 Form CSV8 plus copies of the risk assessment will be retained by the Head of Faculty/ Unit in a secure file for a minimum of 3 years following the date the student leaves the College.

7.6.2 Data on criminal convictions recorded on EBS will be protected by password

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8. RECORDS PRODUCED

8.1 Form QAL/020/001 Risk Assessment by Head of Faculty/Unit (appendix 1)

8.2 Form QAL/020/002 Risk Assessment by CSV8 Panel (appendix 2)

8.3 Form CSV8 Disclosure Statement by Applicant (appendix 3)

9. RELATED DOCUMENTS

9.1 POL002 College Admissions Policy

9.2 POL007 Equality and Diversity Policy

9.3 POL008 Health and Safety Policy

10. DISTRIBUTION

10.1 All staff via the intranet

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Appendix 3

PRIVATE AND CONFIDENTIAL

DISCLOSURE STATEMENT

CSV 8

Please complete this form if you wish to disclose any **relevant** criminal convictions in accordance with the Rehabilitation of Offenders Act 1974.

Name			
Date of Birth			
Address			
Contact Number			
Name of Key Worker			
Course applied for:			
Have the reasons for this disclosure been explained to you? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Do you agree that your disclosure can be discussed with relevant staff in the College and external agencies such as the Probation Service Yes <input type="checkbox"/> No <input type="checkbox"/>			
Relevant Conviction(s) please complete this section honestly and to the best of your knowledge. Any information withheld may affect your place at Stafford College			
Convictions	Sentence	Date of conviction	Release date

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Additional Information:
Applicant Signature
Date
College Comments:
College signature
Date

In accordance with the Data Protection Act 1998 the information you disclose on this form will be held confidentially by the College and will not be disclosed to any third party without your consent.

Please return the completed in an envelope marked Private and Confidential to:

The Enrolments Manager, Stafford College, Earl Street, STAFFORD, ST16 2QR

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Appendix 4

Guidance on Spent Convictions

The Rehabilitation of Offenders Act 1974 means that certain criminal convictions become spent or can be 'ignored' after what is known as a rehabilitation period. Spent convictions do not have to be discussed with employers at any stage. The length of the rehabilitation period depends on the original sentence.

The following sentences become spent after fixed periods from the date of conviction.

Sentences	People aged 18 or over when convicted	People aged 17 or under when convicted
Prison Sentences of 6 months or less	7 years	3 ½ years
Prison Sentences of more than 6 months to 2 ½ years	10 years	5 years
A drug treatments and testing order	5 years	2 ½ years
Fines, community rehabilitation order, community punishment order, community punishment and rehabilitation order, compensation and curfew orders, Anti Social Behaviour Orders	5 years	2 ½ years
Absolute discharge	6 months	6 months

There are, however, certain occupations in which people will be expected to declare their convictions even if they are spent. These include the following key areas:

- any post providing access to people aged under 18. Such posts include teachers, school caretakers, youth and social workers, child minders
- employment involving providing social services to elderly people, mentally or physically disabled people alcohol or drug misusers or the chronically sick
- any employment involving the administration of justice, including police officers, probation officers, traffic wardens, certain professions which have legal protection (including lawyers, doctors, dentists, nurses, chemists, and accountants).
- jobs where national security may be at risk (for example, certain posts in the civil service, defence contractors).

Application forms for posts which are exempted from the Act should always make this clear,

The Protection of Children Act and the Criminal Justice and Court Services Act (2000) states it is an offence to knowingly employ (either in a paid or unpaid capacity) anyone with convictions for crimes against children including murder, manslaughter, rape, grievous bodily harm and a number of sexual offences, to work in a 'regulated position'. Regulated positions are defined as including those where people work with, or have responsibility for people under the age of 18.

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Appendix 5

GUIDANCE FOR COLLEGE STAFF ON THE HATHERTON CENTRE

The Hatherton Centre is a medium secure unit which cares for people with a mental illness who need more security than is provided by an open general ward. The nature and degree of their illness often means that their stay at the Hatherton Centre is longer than most people would expect as the rehabilitation process can take a long time. Their engagement in education is a part of this rehabilitation process.

Whenever you have contact with the patient there will, in all likelihood be a member of staff present. This member of staff is, at all times responsible for the patient, and any concerns you may have should be addressed to this member of staff other than any usual interactions you would normally have with your students except of course exchange of information described at the end of this letter.

Please be assured that, prior to commencing a course the patient's clinical team has agreed for them to do so and have taken measures to ensure all risks are minimised. If the staff at the unit had any concerns about the patient at any time they would not be allowed to undertake or continue with the course. As with all illnesses there may be occasions where the patient is unable to attend for a few weeks however the named link worker will keep you informed of any difficulties.

CONFIDENTIALITY

Many of the patients at the Hatherton Centre have committed offences as a result of their mental illness which may mean that they have a negative public profile.

The link worker will give you as much information as necessary about the patient with whom you are involved, but for reasons of confidentiality, some information will not be available. Likewise you should not discuss the patients from the Hatherton Centre with whom you have contact and only reveal their names where absolutely necessary such as your registers of attendance.

PERSONAL SAFETY

If you come to see the patient at the Hatherton Centre, you will be given a personal alarm which you will be shown how to use. Unless agreed differently by the patient's clinical team, you will also have a member of staff with you at all times. This member of staff will usually be the link worker with whom you have had previous contact, although even if not you should address any concerns to the member of staff who is with you.

Even if you do not come in to the Hatherton Centre you are strongly advised not to reveal any of the following information about yourself or fellow students to the patient:-

- Address and telephone number
- Information about close family
- Other personal details e.g. financial problems etc.

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If you have any queries or concerns these should be addressed to the identified link worker (you will be given their name and contact phone number).

PHILOSOPHY OF THE HATHERTON CENTRE

In line with guiding principles of social inclusion and recovery, the forensic directorate encourages patients to make use of facilities provided by Further Education Establishments such as local colleges and the Open University. Working with these establishments enables the patients to experience the “work” role, enjoy achievements, and gain an understanding of society’s expectations and behaviours.

The responsibilities of forensic directorate when facilitating patient engagement with institutes of Further Education are:-

1. Maintenance of confidentiality
2. Safety of patient
3. Safety of the public including college staff
4. Ensuring the patient has adequate support to meet their needs in completing the college course

PRIOR TO ENROLMENT ON A COURSE

a) Role of the Clinical Team

When a patient makes a request or a member of staff believes that the patient may benefit from a college course, this must be agreed by the multi-disciplinary team. The team must consider and agree to the time commitments, escorts (both inside and outside the Hatherton Centre and Wroxeter ward) and ascertain that the patient should be able to complete the course successfully. Consideration may also need to be given to any extra support that the patient may require, including individual tutorials and agree how these are to be implemented. All decisions should be recorded in the multi-disciplinary treatment plan.

The decision should be taken early enough to allow proper planning, e.g. no later than end July for a September start.

b) Patients Detained Under a Restriction Order

Where the patient is detained under a restriction order, Ministry of Justice agreement must be obtained for the patient to attend an external educational establishment, even when they already have community leave.

c) Role of the Link Worker

At this time the team should also agree a “link” person to liaise between the clinical team and the education establishment. In the majority of cases the link worker would

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be the responsible Occupational Therapist. The team should also decide on the monitoring and feedback process and timing between the tutor and “link” person as well as the “link” person and the clinical team. The clinical team must also decide what information it is necessary for the tutor to be aware of and ensure that the link worker is informed.

d) **User Involvement**

The patient must be aware of, and agree to the terms identified by the team, prior to enrolment on the course.

ENROLMENT ON A COURSE

At the time of enrolment the patient should, whenever possible, be escorted by the “link” person who will arrange to contact the tutor prior to the first contact with the patient. **When enrolling at Stafford College, two letters will be supplied by the Head of Forensic Occupational Therapy (AHP lead). One will confirm the funding arrangements and the other will confirm that a risk assessment has taken place.**

Where the patient is undertaking a correspondence course, the link worker should contact the education establishment to gain the name and contact address of the tutor, prior to the patient being given this information. If this is not possible the link workers name must be highlighted on the application form and the “Guidance for college staff” letter included with the application form.

In cases where the clinical team is not aware that the patient has enrolled on a course (for example some correspondence courses) the clinical team must establish links with the college as soon as they become aware in order to establish a link worker and implement a risk management plan. However, patients should be strongly encouraged to discuss their plans with the clinical team prior to enrolling on any course.

LIAISON WITH TUTOR

On first contact with the tutor, the link worker will provide the sheet “Guidance for College staff” (attached), and talk through each of the points in it.

The link worker will arrange how and when reviews of progress are the link worker will arrange how and when reviews of progress are to take place and answer all questions which do not breach confidentiality, security or safety.

ESCORTS

Whenever possible the chosen member of staff should have a good rapport with the patient or have time to develop this prior to starting the course.

If a training need for staff can also be identified this may help with the choice of escort. Otherwise consideration could be given to a member of staff taking a learning support role rather than undertaking the same course.

Contingency plans should be considered to cover staff absences. The link worker/escort should use the attached checklist to ensure all essentials have been taken care of.:

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Liaison with Further Education Establishments

Check List of Essential Tasks

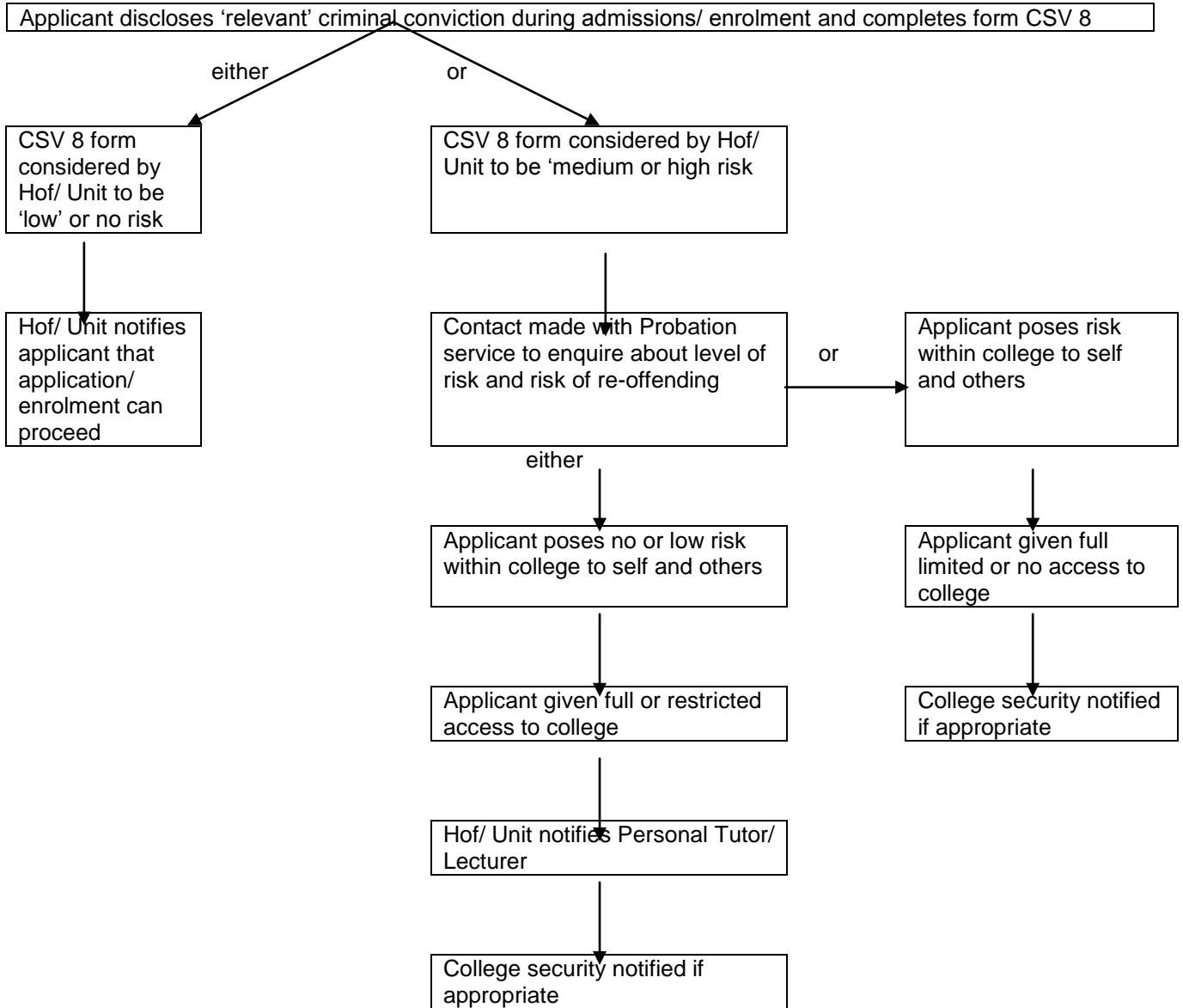
Please date and sign when completed

	DATE	STAFF	REASON IF NOT COMPLETED
When patient has chosen a course – explore course content, eg what will he/she have to do, safety issues, self-disclosure, etc			
Take to MDM, discuss and record decision			
Gain Ministry of Justice consent where applicable			
Establish who the link person will be. Please name			
Establish who the escort will be (if not the same as the link person). Please name			
Identify risks/triggers etc – to fully prepare staff			
Enrol on course – ideally should be done by patient with staff support as necessary			
Establish contact with tutor prior to commencing issuing Directorate guideline			
Establish contingency plan for if staff escort is unavailable (This is particularly important if the staff member is enrolled on the same course)			
Establish what the student/escort will do if the patient can't attend (see above point)			
Ensure all necessary materials/equipment have been acquired			
Devise a plan with patient to deal with comments/questions from other courses members Questions experienced previously include: Where are you from? Why are you doing this course? (to staff clearly very competent) How do you know each other?			

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Appendix 6

DISCLOSURE RISK ASSESSMENT FLOW CHART



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