



## CRIMINAL CONVICTIONS POLICY

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**VERSION:** 1.0

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## **1. Purpose**

Calderdale College is committed to fostering an inclusive learning environment that supports rehabilitation and provides opportunities for all individuals, including those with criminal convictions. This policy outlines the process for assessing the disclosure of criminal convictions for applicants and students in Apprenticeships, Further Education (FE) and Higher Education (HE), ensuring a fair, transparent, and proportionate approach to risk management.

## **2. Scope**

This policy applies to all applicants and enrolled students at Calderdale College. It aims to:

- Ensure a safe and secure learning environment for all students, staff, and visitors.
- Support rehabilitation and reintegration of individuals with criminal records.
- Provide clear guidance on the disclosure and assessment of criminal convictions.
- Ensure compliance with relevant legislation, including the Rehabilitation of Offenders Act 1974 and the General Data Protection Regulation (GDPR).

## **3. Key Principles**

- Having a criminal conviction will not automatically prevent an individual from being admitted or continuing their studies.
- The College only considers relevant 'unspent' convictions unless a programme is exempt from the Rehabilitation of Offenders Act 1974.
- Risk assessments are conducted on a case-by-case basis to determine if reasonable adjustments or restrictions are necessary.
- Confidentiality is upheld, and disclosures are handled sensitively.

## **4. Disclosure Requirements**

- Applicants to Apprenticeship and Further Education (FE) courses should disclose any unspent convictions (childhood or criminal) at the point of application. They are not required to disclose any spent criminal convictions unless a Disclosure and Barring Service (DBS) check is necessary for their chosen course (e.g., childcare, health, and social care).
- Applicants to Higher Education (HE) courses must disclose any 'relevant unspent' criminal convictions at the point of application if their course does not require a DBS check.
- Applicants and students applying to or enrolled in courses that involve working with children or vulnerable adults (e.g., teaching, healthcare) must disclose all convictions (both spent and unspent) due to exemptions under the Rehabilitation of Offenders Act 1974.
- Enrolled students who receive a new childhood or criminal conviction after enrolling on their studies must disclose it to the college within 14 days.

Calderdale College is committed to ensuring that applicants for Higher Education (HE) courses are only required to disclose relevant unspent criminal convictions. This approach aligns with best practices in higher education and supports fair access to education.

When a disclosure is made the student will be spoken to by a member of the safeguarding team to gather information and request contact details of a professional who can confirm the nature of the conviction, If no professional is named then a information sharing request will be considered with West Yorkshire police. this will be done within 5 working days of the disclosure.

### Definition of Relevant Unspent Criminal Convictions

A criminal conviction is considered unspent until a specified period has elapsed, after which it becomes spent and no longer needs to be disclosed in most circumstances.

The duration before a conviction becomes spent depends on the sentence received and is governed by the Rehabilitation of Offenders Act 1974. For detailed information on when a conviction becomes spent, you can refer to the guidance provided by the UK government.

A conviction is deemed relevant if it pertains to offences that may have implications for the safety of the college community. These typically include, but are not limited to:

- Violent offences: Any kind of violence, including threatening behaviour or offences resulting in actual bodily harm.
- Sexual offences: Offences listed in the Sexual Offences Act 2003.
- Drug-related offences: The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
- Firearms offences: Offences involving firearms.
- Arson: Offences involving arson.
- Terrorism-related offences: Offences listed in the Terrorism Act 2006.

### Disclosure Requirements for Calderdale College Applicants (FE, HE and Apprentices)

Applicants to all courses at Calderdale College are required to disclose any relevant unspent criminal convictions at the point of application. This ensures that the college can assess any potential risks and provide appropriate support where necessary. It's important to note that having a relevant unspent conviction does not automatically preclude admission; each case is assessed individually, considering factors such as the nature of the offence, time elapsed, and evidence of rehabilitation.

By focusing on relevant unspent convictions, Calderdale College aims to balance the safety and well-being of its community with the rights of individuals to pursue education opportunities.

## **5. Risk Assessment and Decision-Making Process**

Each disclosure is assessed by the Criminal Convictions Panel, consisting of the Head of Student Services, the Safeguarding Manager the College Police Officer, the panel will meet within 10 working days of the disclosure being made. The applicant will be informed of the outcome within 15 working days.

The assessment considers:

- The nature, seriousness, and date of the offence.
- The applicant's/student's insight, rehabilitation efforts, and any mitigating factors.
- The potential risk to the college community.
- The impact on placement or employment opportunities linked to the course.

Possible outcomes of the assessment include, but are not limited to:

- Proceed without conditions: The applicant/student is deemed suitable with no restrictions.
- Proceed with conditions: Adjustments or risk management measures are put in place (e.g., exclusion from specific placements).

- Referral for further review: External professional advice may be sought if necessary.
- Offer withdrawal or exclusion: If a significant risk is identified, the applicant/student may not be permitted to study or continue their studies.

## 6. Appeals Process

If an applicant or student disagrees with a decision, they may submit an appeal in writing within 14 days. Appeals will be reviewed by a senior panel separate from the initial assessment team.

## 7. Confidentiality and Data Protection

- All disclosures and related assessments are handled in strict confidence.
- Information is stored securely and only accessed by relevant personnel.
- Disclosures will not be shared with third parties without explicit consent, except where required by law.

## 8. Policy review & Monitoring

This policy will be reviewed annually to ensure compliance with legal and sector-wide changes. Amendments will be approved by the Calderdale College Executive Team and submitted to Corporation Board for formal approval.

| Review Date | Reviewed by:                                | Policy Changes | Approved by:      | Next Review Date: | Review Period |
|-------------|---------------------------------------------|----------------|-------------------|-------------------|---------------|
| March 2025  | Head of Student Experience, Wellbeing & DSL | New Policy     | Corporation Board | March 2026        | 1 year        |
|             |                                             |                |                   |                   |               |
|             |                                             |                |                   |                   |               |
|             |                                             |                |                   |                   |               |

## 9. Equality impact assessment

| First Assessment Conducted by:              | Date:      | Final/Approved Assessment Conducted by: | Date:      |
|---------------------------------------------|------------|-----------------------------------------|------------|
| Head of Student Experience, Wellbeing & DSL | March 2025 | EDI Co-Ordinator                        | March 2025 |

## 10. Publication

| Audience: | Published:      |
|-----------|-----------------|
| Staff     | Staff Intranet  |
| Student   | College Website |

**For further guidance, applicants and students are encouraged to seek support from Student Services or refer to UCAS and Unlock resources.**

[Criminal convictions – what you need to know | Undergraduate, Conservatoires | UCAS](#)

[Disclosing your criminal record - GOV.UK](#)

[Differences between unspent and spent convictions – Unlock](#)