



**LINCOLN COLLEGE**

**CRIMINAL DISCLOSURE POLICY AND  
ASSOCIATED PROCEDURES**

**POLICY SG/PO/8**

**SPONSOR**

Director of Student Services

## **Equality and Diversity Statement**

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

# LINCOLN COLLEGE

## CRIMINAL DISCLOSURE POLICY

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# LINCOLN COLLEGE

## DISCLOSURE OF CRIMINAL CONVICTIONS/CAUTIONS PENDING

### 1 PURPOSE

1.1 Lincoln College actively promotes equality of opportunity for all and welcomes applications from a wide range of applicants including those with criminal convictions. The college selects all candidates for interview based on their skills, qualifications, references and experience in relation to the course applied for. The college acknowledges that a number of applicants will have previous cautions, reprimands or convictions. The purpose of this policy is to ensure that all learners make a self declaration of any such cautions, reprimands or convictions and that their application is dealt with in a fair, transparent and equitable manner. Please note, students are only required to disclose spent convictions if they are applying for a course which involves work experience with children (under the age of 18) or vulnerable adults. (Please see Safeguarding Policy for definition of vulnerable adults).

### 2 AIM

2.1 The policy will meet the requirements of the College Charter, Strategic Plan and Single Equality Scheme. The policy aims to ensure effective risk management and safeguarding measures are in place.

This Policy should be read in conjunction with the following Policies:

- Student Disciplinary Policy
- Admissions Policy
- Safeguarding Policy

### 3 INTRODUCTION

3.1 Having a criminal record, caution, or pending will not necessarily bar you from being a student at Lincoln College. It will depend on the nature of the course applied for and the circumstances and background of any offence. The admission of individual applicants is, however, at the discretion of the college with due regard to the Safeguarding, Health and Safety and welfare of other members of the college community. In particular, there may be occasions where the nature of an applicant's criminal conviction poses a potential risk to the college community or makes him/her unsuitable for the chosen programme.

### 4 APPLICATIONS

4.1 We require all applicants to provide details of their criminal record, cautions or pending by completing a Disclosure of Criminal Convictions Form (see appendix 2). This will enable us to effectively assess the risk and ensure that appropriate support is in place. All forms are to be returned to the Director of Student Services (or their nominee) and will be dealt with in accordance with the requirements of the Data Protection Act.

Where learners are applying for any course where there is a work placement involving children, young people or vulnerable adults it is essential that spent convictions are declared.

- 4.2 Completed forms must be returned within the first two weeks of commencement of a course. Failure to do so may result in attendance being suspended.
- 4.3 Please note that all applicants for Care, Herbal Medicine, Acupuncture and teaching related courses will be expected to pay for a Disclosure and Barring check (DBS), formerly known as Criminal Records Bureau (CRB) check. It is also a requirement that learners will have a clear disclosure and barring check to undertake these type of courses.

## 5 DISCLOSURE LEVELS

Disclosures will be categorised by level and potential risk to students, staff and visitors. Each disclosure will be ranked as High, Medium or Low. Each disclosure will be dealt with on an individual basis taking the following into consideration:

- Location of study
- Potential risk to applicant, peer group, staff or visitor
- The learning environment the applicant is wishing to study in relation to their disclosure.

### 5.1 Low Risk, eg Speeding Offences, First Level Cautions

The Director of Student Services will assess each disclosure and will either:

- Write to or telephone the student to advise them an additional interview is not necessary as there are no conditions placed on their course offer
- Invite the client in for interview to discuss the disclosure further, acknowledging any agreement reached by letter. It will be unusual for this to be done for low risk disclosure, but may be necessary for learners studying care related courses.

### 5.2 Medium Risk, eg Theft, First Low Level Act of Violence, Drunk and Disorderly, Drug Related (Personal Use)

The Director of Student Services (or their nominee) will assess each disclosure and will either:

- Invite student to attend interview with the Director of Student Services (or their nominee) and the Director of School (or their nominee). During the meeting, the criminal disclosure interview form will be completed (see appendix 3)
- Following the meeting it may be necessary for a further risk assessment to be completed by the relevant programme area. This may include specific conditions on the place of study. See appendix 4 (risk assessment)

- During the meeting it may become apparent that the risks are potentially higher than initially was anticipated. In this instance the student will be advised that the case needs referring to the Criminal Disclosure Panel.

### 5.3 High Risk, eg GBH, ABH, Drugs Offences, any offence resulting in a custodial sentence

The Director of Student Services (or their nominee) will assess each disclosure and will either:

- Invite the student to attend interview as at medium risk (5.2), or
- Present the disclosure to a Criminal Disclosure Panel, who will assess the appropriateness of the application, review associated risks and then determine any conditions that may be required. The panel reserves the right to decline an applicant on the basis of Safeguarding/Health and Safety implications. If a learner is accepted through this process their application will then be forwarded to the relevant programme area to go through the standard admissions process. In some instances, it may be recommended that a further detailed risk assessment is required to allow the applicant to continue. All applicants discussed at panel will be anonymous to ensure that all decisions are fair and transparent.

## 6 **CRIMINAL DISCLOSURE PANEL**

The panel will consist of:

- Chair – Vice Principal, or their nominee
- Director of Student Services
- Director of School
- Head of HR
- Health and Safety Officer
- Representatives from External Partners eg Police, Probation, Youth Offending, Prison

or their nominated representative.

The Director of Student Services will present the application, alerting the panel to any potential concerns they may have. Any decisions the college make to decline a learner can only be done on the basis where it is felt that the risks are too high and the college is therefore unable to put a robust risk assessment in place. The college will make this decision on the grounds of Safeguarding/Health and Safety and being able to ensure that there are no significant risks to the college community.

## 7 **RIGHT OF APPEAL**

The student may appeal the decision in writing to the Chief Executive Officer (CEO) within ten working days of being informed of the result of the Criminal Disclosure Panel. The appeal will include reasons for the appeal.

The CEO will consider this information and will inform the student of his decision within ten days of receipt of the appeal. The CEO's decision is final.

## 8 RIGHT TO DECLINE

8.1 The college reserves the right to decline applications from applicants who demonstrate or have demonstrated acts of verbal abuse, physical abuse or any other form of anti-social behaviour towards any member of the college community or college property.

If a student has previously been withdrawn from a college course for reasons of gross misconduct, criminal damage or violence against persons or property, then the college reserves the right to consider any future applications taking this evidence into account.

8.2 If any member of the college becomes aware of a previously undisclosed criminal offence or pending prosecution, at any stage after an offer of a place on a course has been made, the college reserves the right to decline the application or terminate the student's place on their course.

8.3 If the learner commits any crime which results in a caution, pending prosecution or court appearance they must notify the college immediately. Failure to do so may result in the college suspending or terminating a place on the course.

## 9 STORAGE AND ACCESS TO DISCLOSED INFORMATION

### 9.1 Storage/Data Protection

Information disclosed will not be stored in student personal files but held separately in a lockable storage facility with access limited to only those who are entitled to see it as part of their duties, specifically these include:

- a) Director of Student Services
- b) Director of School/Programme Manager
- c) Course Tutor
- d) Panel Members
- e) Administrator

### 9.2 Handling

In accordance with Section 124 of the Police Act 1997, disclosure information will only be passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those who have disclosed information but we recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### 9.3 Usage

Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.

#### 9.4 Retention

Disclosure information will not be stored for longer than is necessary. Data Protection rights of an individual will be paramount as will be the protection of staff and users of the college's services.



## APPENDIX 1

### DISCLOSURE OF CRIMINAL CONVICTIONS (SPENT AND UNSPENT)

#### Notes of Guidance to be given to applicant

1. It is the Lincoln College's policy that all applicants for courses disclose any previous 'unspent' criminal convictions. In addition you are required to disclose any cautions which have not expired or pending prosecutions.
2. In addition, some courses allow students supervised access to children and young people and these courses are covered by The Rehabilitation of Offenders Act 1974 (Exceptions) Orders. Applicants for these courses are therefore required to disclose 'spent' as well as 'unspent' criminal convictions, cautions and any pending prosecutions.
3. The information provided (by completing the attached form) will be treated as strictly confidential and will be considered only in relation to the course applied for and any subsequent course transfers.
4. Disclosure of a conviction, caution or pending prosecution does not necessarily mean that a place will not be offered on a course. A person's suitability will be looked at individually in the light of all the information available, and in accordance with Lincoln College's Admissions Policy, a copy of which can be obtained from Student Services. A main consideration will be whether the offence is one which would make a person unsuitable to undertake the course applied for.
5. A conviction includes:-
  - a) A sentence of imprisonment, youth custody or in a young offenders institution;
  - b) An absolute discharge, conditional discharge, bind over;
  - c) A fit person order, a supervision or care order, a probation order or community punishment order or an approved school order arising from a criminal conviction;
  - d) Simple dismissal from the Armed Forces, cashiering, discharge with ignominy, dismissal with disgrace or detention by the Armed Forces;
  - e) Detention by direction of the Home Secretary;
  - f) Remand centres, secure training centres or in secure accommodation;
  - g) A suspended sentence;
  - h) A fine or any other sentence not mentioned above.
6. Under the Criminal Justice and Courts Services Act 2000 it is an offence for an individual who has been disqualified from working with children to knowingly apply for, offer to do, accept or do any work in a 'regulated position'.
7. Failure to disclose convictions, cautions and any pending prosecutions may, in the event of a course place being offered or obtained, result in the place being declined or course place being terminated by Lincoln College.
8. Please complete the attached form and return it to the address on the attached letter.

**APPENDIX 2**



**DISCLOSURE OF CRIMINAL CONVICTIONS/CAUTIONS PENDING (SPENT OR UNSPENT)**

Please read carefully the accompanying notes before completing and signing this form.

You are required to declare spent convictions if you are applying to do any course where you undertake work experience with children, young people or vulnerable adults.

**I certify that:-**

- 1. I have read and understood the attached guidance notes
- 2. To the best of my belief, the information I have entered is true and I understand that any false information or failure to disclose criminal convictions will result in Lincoln College reviewing my place on any course and that my place on a course may be terminated.
- 3. By completing this form I give my consent for the College to obtain further information from the Police if deemed necessary.

First Name \_\_\_\_\_

Surname/Family name \_\_\_\_\_

Date of birth \_\_\_\_\_

Course applied for \_\_\_\_\_

**Do you have any convictions, cautions, cases pending for any of the following (please tick)**

- |               |                          |                     |                          |  |                          |
|---------------|--------------------------|---------------------|--------------------------|--|--------------------------|
| Arson         | <input type="checkbox"/> | Criminal Damage     | <input type="checkbox"/> | Sex Offences                                   | <input type="checkbox"/> |
| Drink Related | <input type="checkbox"/> | Drug Related        | <input type="checkbox"/> | Burglary                                       | <input type="checkbox"/> |
| Weapons       | <input type="checkbox"/> | Violence/Harassment | <input type="checkbox"/> | Offences against children or vulnerable adults | <input type="checkbox"/> |

Other – *please state* \_\_\_\_\_

Date of most recent offence? \_\_\_\_\_

**Have you ever been arrested?** Yes  No

**Have you ever been charged?** Yes  No

**Did the case go to court?** Yes  No

**What was the outcome?** \_\_\_\_\_

**If you were given a custodial sentence how long was this for and when did it start and finish?**

\_\_\_\_\_  
\_\_\_\_\_

**Please enter address details below**

**ADDRESS** \_\_\_\_\_  
\_\_\_\_\_

**TOWN** \_\_\_\_\_

**POSTCODE** \_\_\_\_\_

**To ensure we treat all applicants in a fair and transparent manner it would be helpful if you could complete the following information. This allows us to evaluate statistics of learners applying from protected characteristic groups. (please answer or tick)**

Age	_____	Disability	Yes/No
Race	_____	Gender (including transgender)	_____
Religion/Belief	_____	Sexual Orientation	_____
Marriage or Civil Partnership	_____	Pregnancy or Maternity	_____

**Please sign and date this form and return in the envelope provided**

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**Thank you for taking the time to complete this form, please return to Director of Student Services, Lincoln College, Monks Road, Lincoln, LN2 5HQ and mark it Private and Confidential.**

**APPENDIX 3**



**Criminal Disclosure Interview Form**

**Name:**

**Course Applying For:**

**Location**

**Previously been here? If so which course & tutor name:**

**Details of the offence(s) – include dates, sentence, referral & to whom:**

High Risk Yes  No  Medium Risk Yes  No  Low Risk Yes  No

Please tick any of the following that are in place

Probation	<input type="checkbox"/>	Youth Offender Order	<input type="checkbox"/>	Anti-Social Behaviour Order	<input type="checkbox"/>
Suspended Sentence	<input type="checkbox"/>	Drug Intervention Programme	<input type="checkbox"/>	MAPPA	<input type="checkbox"/>

Is the applicant awaiting a court hearing      Yes  No

**Does this need referring to CDP?**      Yes  No

If yes please give further details:

**Are there any previous unspent offences**      Yes  No

If yes please give further details:



**Please sign, print, state role and date for all those present at the meeting.**

**Sign..... Print.....**

**Role..... Date.....**

**Sign..... Print.....**

**Role..... Date.....**

**Sign..... Print.....**

**Role..... Date.....**

**Sign..... Print.....**

**Role..... Date.....**

*For office use only*

Information sent to .....

By .....

Date .....

## Risk Management Plan

**(To be used as part of the Criminal Disclosure process when an element of risk has been identified)**

Name of Learner or Applicant \_\_\_\_\_

Date \_\_\_\_\_

Name of Course Tutor or Leader \_\_\_\_\_

Course or Activity \_\_\_\_\_

**What are the concerns identified?**

**(Consider both**

- **The risks, eg who is at risk, what might happen, the possible consequences for the learner, other learners or staff**
- **The potential benefits to the learner (to be considered, to get a balanced view of the benefits versus the risks)**



## Risk Assessment Plan – CONFIDENTIAL

**To be used as part of the Criminal Disclosure process when health and safety concerns have been identified**

No	Hazard	Who is at risk?	Severity 1-5	Likelihood 1-5	Risk level (s x l)	Actions to reduce risk to manageable level	By whom,	By when

## Risk Assessment Plan – CONFIDENTIAL

**To be used as part of the support process when health and safety concerns have been identified**

No	Hazard	Who is at risk?	Severity 1-5	Likelihood 1-5	Risk level (s x l)	Actions to reduce risk to manageable level	By whom,	By when

**Who needs to be informed of these actions and decisions?** (Ensure **learner consent** has been obtained)

People who need to be informed	
Staff responsible for informing	

**Who has been involved in this assessment and the subsequent decisions?** (Include staff names, learner / applicant name, and name of parent / carer / other supporting professional involved in the assessment)

\_\_\_\_\_  
Signature of lead member of staff

**Date that this risk assessment will be reviewed**

Date of review	
----------------	--

**Are there any concerns over the level or risk?** If yes, please discuss with relevant staff and obtain countersignature. (Please check with the Health and Safety Manager before asking for a countersignature)

Countersignature (Director of Student Services) \_\_\_\_\_  
Comments

**A copy of this Risk Assessment plan should now be sent to relevant staff (see above) and a copy given to the learner (or parent / guardian / carer)**

## Appendix 4b

### Risk assessment matrix

<b>Severity (magnitude) of impact</b>	<b>Likelihood of hazard occurring</b>
<b>1. Mild / minor injury, at the most just first aid.</b>	<b>1. Very unlikely.</b>
<b>2. Minor injury or illness. First aid treatment required, but individual will be able to continue attending college after first aid treatment</b>	<b>2. Unlikely, but possible</b>
<b>3. Moderate injury or illness, capable of keeping an individual off college for three days or more</b>	<b>3. Likely, and quite possible</b>
<b>4. Major illness or injury, hospitalisation is likely</b>	<b>4. Very likely</b>
<b>5. Serious permanent or fatal injury</b>	<b>5. Almost certain</b>

**Risk = Severity x Likelihood**

**The risk level is calculated by multiplying the severity and the likelihood ratings together**