LINCOLN COLLEGE

CRIMINAL DISCLOSURE POLICY AND ASSOCIATED PROCEDURES

POLICY SG/PO/8

SPONSOR

Safeguarding Lead and Equality and Diversity Officer

Last Updated June 2022 Last Reviewed: June 2022 Next Review Period: 2022/23 academic year

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 applicants 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 applicants 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, applicants 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:

- Learner Conduct Policy
- Admissions Policy
- Safeguarding Policy
- Mental Health and Disability Policy

3 INTRODUCTION

3.1 Having a criminal record, caution, or pending investigation or prosecution will not necessarily bar an applicant 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 All potential students will be asked at application if they have any convictions or if they are part of an ongoing investigation. This is a self-declaration and should an applicant choose to make a false declaration which later comes to light they could potentially be removed from their course of study.

4.2 Where an applicant makes a positive declaration they will be contacted by the College's Student Services Department to provide details of their criminal record, cautions or ongoing investigations by completing a Disclosure of Criminal Convictions Form (see appendix 2). This will enable the College to effectively assess the risk and ensure that appropriate support is in place. All forms are to be returned to the Safeguarding Lead and Equality and Diversity Officer (or their nominee) and will be dealt with in accordance with the requirements of the GDPR. The information that the applicant provides in this form will be held in accordance with 2018 General Data Protection Regulation. The College Policy can be located online at: https://www.lincolncollege.ac.uk/privacy-policy

Where applicants 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 Applicants are unable to enrol or attend lessons until the criminal disclosure process is completed.

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 applicants will have a clear disclosure and barring check to undertake these type of courses.

4.4 Learners who are completing an on-line course who will never be attending campus or taking part in online lessons do not have to complete the Criminal Disclosure Process. These learners do not present a risk to other students, staff or visitors as all interaction that they have is with staff and this takes place on line and not in person. They are however unable to be issued with a lanyard or student card. Should an online learner wish to be issued with a student card or access college facilities then they will need to complete the process in the same way as all other learners. Additionally, if these learners then progress to enrolment on a traditional taught course they will then have to complete the full Criminal Disclosure Procedure in the same way as all other potential learners.

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 Safeguarding Lead and Equality and Diversity Officer (or their nominee) will assess each disclosure and will either:

- Write to or telephone the applicant to advise them an additional interview is not necessary as there are no conditions placed on their course offer
- Invite the applicant 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 applicants applying to study care related courses.

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

The Safeguarding Lead and Equality and Diversity Officer (or their nominee) will assess each disclosure and will either:

- Invite applicant to attend interview with the Safeguarding Lead and Equality and Diversity Officer (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 applicant will be advised that the case needs referring to the Strategic Safeguarding Panel.

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

The Safeguarding Lead and Equality and Diversity Officer (or their nominee) will assess each disclosure and will

- Invite the applicant to attend interview as at medium risk (5.2), with a view to gathering additional information for presentation to the Strategic Safeguarding Panel. The process will be explained to the applicant including the next stages, possible outcomes and timescales. This may include contacting relevant support agencies and/or previous educational establishments for references

- Present the disclosure to a Strategic Safeguarding 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 an applicant 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 STRATEGIC SAFEGUARDING PANEL

The Terms of Reference for this group can be found at Appendix 5

The panel will consist of:

- Chair – Safeguarding Lead and Equality and Diversity Officer or their nominee
- Head of Student Services and Supported Education,
- Directors of School
- Group Director of HR and Student Support Services
- Health and Safety Officer
- Safeguarding and Welfare Manager
- Representatives from External Partners eg Police, Probation, Youth Offending, Prison

or their nominated representatives.

The Safeguarding Lead and Equality and Diversity Officer or their nominee will present the application, alerting the panel to any potential concerns they may have. Any decisions the College make to decline an applicant 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 or reputation.

7 RIGHT OF APPEAL

If an applicant would like to appeal the decision of the Strategic Safeguarding Panel, they will need to put an appeal in writing, giving reasoning and any supporting evidence that may assist this process. The letter should be addressed to Kevin Williams, Director of Performance and Planning, and within 10 working days of receiving the letter informing the applicant of the outcome of the Panel. The Director of Performance and Planning will consider this information and will inform the applicant of his decision within 10 working days and the Director of Performance and Planning'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 a 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. This information is also added electronically on a bespoke database with restricted access, specifically these include:

a) Head of Student Services and Supported Education
b) Director of School/Programme Manager
c) Course Tutor
d) Safeguarding Lead and Equality and Diversity Officer
e) Panel Members
f) 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. The College maintains a record of all those who have disclosed information but recognises 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) OR IF YOU ARE SUBJECT TO A CURRENT POLICE INVESTIGATION

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 may have contact with children, young people or vulnerable adults.

If you are unsure if you need to complete this form please contact Sam Yates Safeguarding Lead and Equality and Diversity Officer on 01522 876219 or email syates@lincolncollege.ac.uk in confidence who will be happy to advise you. Alternatively, you can contact the Safeguarding Team on 07580 975854 or safeguarding@lincolncollege.ac.uk

Please enter your details below:

First Name ……

Surname/Family Name ……

DOB ……

Address ……

……

Town ……

Postcode ……

Telephone Number ……

Course Applied For ……

Campus ……

Do you have any convictions, Cautions, Conditional Youth Cautions or any other out of court disposals, cases pending or are you currently part of an ongoing Police investigation?

Yes ☐ No ☐

If you ticked yes what was the nature of your conviction, caution/caution or investigation? (Please tick all relevant boxes)

Arson	☐	Criminal Damage	☐	Sex Offences	☐
Drink Related	☐	Drug Related	☐	Burglary	☐
Theft	☐	Weapons	☐	Violence/Harassment	☐
Offences against children or vulnerable adults	☐	Shoplifting	☐	Fraud	☐

Other (please specify) …….

Are you, or have you ever been on the Sex Offenders Register Yes ☐ No ☐

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? ……...

Date of the most recent offence …….

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

……..

Please enter the details below

Details of convictions, cautions, conditional youth cautions or any other out of court disposals or cases pending.	Date of offence	Outcome

Have you received a Caution, Reprimand or Warning? Yes ☐ No ☐

What was the Caution, Reprimand or Warning for?

What has changed in your life to reduce the risk of this happening again?

What type of career do you see yourself doing after you have left college?

Would you like an appointment with a Career Advisor? Yes ☐ No ☐

The information you provide in this form will be held in accordance with the General Data Protection Regulation. The College's Privacy Policy can be located online at: www.lincolncollege.ac.uk/privacy-policy

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 external agencies if deemed necessary (Police, Probation Services and Youth Offending Services etc.) ☐

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

Print Name: ……..……..

Signature: …….……..

Date: ……...……

APPENDIX 3

Criminal Disclosure Interview Form

Name of Learner ……

DOB ……

Under 18 Yes ☐ No ☐ Over 18 Yes ☐ No ☐

Telephone Number ……

Contact Details

Name of Parent/Guardian ……

Does Parent/Guardian have Parental Responsibility Yes ☐ No ☐

Course Details

Course Applying For ……

Enrolled on Course Yes ☐ No ☐ ID No: ……

Location ……..

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

……..

……..

Crime Details

Has the learner been convicted of an offence Yes ☐ No ☐

Youth Offending Services / Probation Service

Youth Conditional Caution Yes ☐ No ☐

Is there a Youth Offending Officer or Probation Officer involved?

Yes ☐ No ☐ Yes ☐ No ☐

If yes, please state name ……

Contact Number ……..

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	☐	Drug Intervention Programme	☐	Anti-Social Behaviour Order	☐
Suspended Sentence	☐	MAPPA	☐	Other (please state)	☐

Is the applicant awaiting a court hearing Yes ☐ No ☐

Does this need referring to Criminal Disclosure Panel? Yes ☐ No ☐

If yes please give further details:

Are there any previous unspent offences Yes ☐ No ☐

If yes please give further details:

Outcomes/Conditions

Progress to enrolment/continue with studies Yes ☐ No ☐

Reason for declining application: …….

……

……

Conditions of Offer

Reference Required Yes ☐ No ☐

Evidence of Support Services Required Yes ☐ No ☐

Do we need to share information? Yes ☐ No ☐

If yes with who?

Is a further risk assessment needed? Yes ☐ No ☐

If yes – who will undertake this?

The information you provide in this form will be held in accordance with the General Data Protection Regulation. The College's Privacy Policy can be located online at: https://lincolncollege.ac.uk/privacy-policy

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……

APPENDIX 3A

Student Services
Strategic Safeguarding Panel

Permission to Contact/Share Information with External Agencies

Student Name	
Date of Birth	

I hereby give my permission for **Lincoln College** to contact/share information with the named organisations/people below.
The information you provide in this form will be held in accordance with the General Data Protection Regulation. The College's Privacy Policy can be located online at:
www.lincolncollege.ac.uk/privacy-policy

Organisation/Contact Name	Contact Details	Student Signature	Date

CONFIDENTIAL

Appendix 4

Risk Management Plan

(To be used as part of the Strategic Safeguarding process when an element of risk has been identified)

Name of Learner or Applicant …… Date ……..

Student ID ……..

.

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)**

Key:

Likelihood

Consequence

1	2	3	4	5
2	4	6	8	10
3	6	9	12	15
4	8	12	**16**	**20**
5	10	15	**20**	**25**

1 - 9	Low Risk
10 - 16	Medium Risk
17 - 25	High Risk

Risk	Who is affected?	Severity 1-5	Likelihood 1-5	Risk level (S x L)		
Actions		**Severity**	**Likelihood**	**New Risk Level**	**By whom**	**By when**
Risk	**Who is affected?**	**Severity 1-5**	**Likelihood 1-5**	**Risk level (S x L)**	**Who is affected?**	

Actions		Severity	Likelihood	New Risk Level	By whom	By when
Risk	**Who is affected?**	**Severity 1-5**	**Likelihood 1-5**	**Risk level (S x L)**	**Who is affected?**	
Actions		**Severity**	**Likelihood**	**New Risk 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	

The information that you provide in this form will be held in accordance with the Data Protection Act 1998, and from 25 May 2018 the General Data Protection Regulations. The College Privacy Policy can be located online at:

https://lincolncollege.ac.uk/privacy-policy

Include staff names, learner / applicant name, and name of Parent /Guardian/Carer other supporting professional involved in the Risk Assessment)

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

Sign…….. Print……..

Role…….. Date……

Sign…… Print……..

Role…… Date……

Sign…….. Print……..

Appendix 4A

Risk Assessment Matrix

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

Risk = Severity x Likelihood

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

Appendix 5

LINCOLN COLLEGE

TERMS OF REFERENCE OF THE STRATEGIC SAFEGUARDING PANEL

1. REMIT

1.1. The purpose of the Panel is to make informed, impartial judgments as to the suitability of applicants that pose a risk and who want to study at the College. This can be based on offending history, incidents of serious misconduct, poor mental health or any other circumstances that may present a high level of risk to staff, students, visitors or the reputation of Lincoln College.

1.2. The Panel will review and approve all relevant amendments and new policies relating to Safeguarding.

1.3. The Panel will approve the annual safeguarding report.

1.4. The Panel will meet at least once a term and will be chaired by the Safeguarding Lead and Equality and Diversity Officer or their nominee

1.5. Internal and external staff will be invited to attend the meetings where appropriate,e,g where a prospective student is supported by an external agency, their case worker may attend the meeting to support their application and answer any questions from the Panel to assist them in their decision making process. .

2. MEMBERSHIP

2.1. The membership of the Strategic Safeguarding Panel will consist of both internal and external candidates, including those that operate in a variety of roles within the College to ensure that all aspects of College life are taken into consideration during the decision making process.

2.1.1. Safeguarding Lead and Equality and Diversity Officer (Chair)

2.1.2. Group Director of HR and Student Support Services (DSP)

2.1.3 Head of Student Services and Supported Education

2.1.4 Director of Education and Training – Newark

2.1.5 Director of Education and Training – Lincoln

2.1.6 Director of Apprenticeships and Sales

2.1.7 Head of Quality Improvement

2.1.8 Health and Safety Officer

2.1.9 Safeguarding and Welfare Manager

2.1.10 Representative from Lincolnshire Police

2.1.11 Representative from Lincoln Probation / Youth Offending Services

2.1.12 Safeguarding experts from other professional organisations

2.2 Proxies shall be allowed

2.3 Secretary duties for the group shall be provided by Student Services

3 MEETINGS

3.1 Meetings shall be held once per term (6 per year.)

3.2 In the event of the requirement to hold an emergency meeting, a quorum of at least 5 members will meet to make decisions. The quorum will consist of at least one Curriculum Director.