Policy/Procedure/Guideline Review

Policy:	Learner and Potential Learner Criminal Conviction Policy & Procedure
Senior Manager Responsible:	Assistant Principal – Learner Experience and Support
Author:	Safeguarding and Prevent Manager
Approved By:	Board
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Publication:	Staff Hub College Websites
Changes Made:	Legislative and Quality framework updated 16.6 added – approved venues Appendix 7

Policy for Learners and Potential Learners
with Criminal Records and Unspent Convictions

1. Introduction and Aim

The aim of this policy is to ensure that applicants with criminal convictions/currently under investigation are given every opportunity to benefit from the courses the college offers, while maintaining the college's duty of care to do everything reasonable to provide a safe and secure environment for all its learners, staff and visitors.

The procedures detailed towards the end of the policy apply to all potential and actual learners.

2. Purpose/Objectives and Intended Outcomes

Learners and potential learners are required and enabled to disclose criminal records/under investigation in a safe and confidential way and are given the best chance of benefiting from education.

Learners and potential learners are provided with an appropriate level of support which takes into account their previous experience and difficulties.

College learners are protected from individuals who may present a high risk of harm to others and to property.

The wellbeing of the college community and the effective running of the college is protected.

Learners and potential learners are not refused access to college courses which they are academically suited for on the grounds of a previous criminal record or currently under investigation unless their presence at the college has been deemed high risk to others or to college property, or unless their criminal record significantly limits their chance of success on their course.

All applicants are asked to disclose unspent criminal convictions/currently under investigation and pending prosecutions.

Assessment of risk is undertaken in a sensitive, discreet and confidential way, taking into account the needs of all concerned.

All records are kept securely and destroyed as set out in data protection guidelines.

The college meets all its legal obligations.

Learners do not begin courses where a previous criminal record is likely to disbar them from some mandatory aspect of the course (e.g. mandatory work experience in Child Care or Health and Social Care courses).

Learners are advised before undertaking a course if it is felt that a criminal record is likely to significantly impact on their chances of gaining employment in their chosen field. The choice as to whether to undertake the course though remains theirs as they may have objectives other than

the gaining of employment in that particular field for doing so.

The college networks as appropriate with other agencies involved with the learner to ensure a fair risk assessment and good support for the learner if they undertake a course.

The college plays an appropriate part in the rehabilitation of offenders.

3. Legislative/Quality Framework

- Keeping Children Safe in Education (Sept 2026)
- Rehabilitation of Offenders Act (1974), Rehabilitation Periods (July 2018)
- Working Together to Safeguard Children (2018)

4. Scope

The Policy and procedures apply to all East Lancashire Learning Group learners and potential learners including full-time, part-time and subcontracted across Higher Education, Further Education, Apprenticeships and Adult.

5. Definitions

You are required to declare any relevant '**unspent**' criminal convictions/cautions. Whilst some criminal convictions are '**spent**' after a certain period according to the offence, other offences are never spent and these must be declared.

6. Roles and Responsibilities

The roles and responsibilities of staff are detailed in the Learner Criminal Convictions procedure as detailed in section 13 of this policy. This includes:

- Enrolling staff procedure
- Teaching Staff/Curriculum Leaders and Heads of Division/Department procedure
- Safeguarding Team procedure
- Designated Safeguarding Lead/Assistant Designated Safeguarding Leads (DSL)

7. Training

Enrolling staff should receive updated training every 12 months on the procedure for dealing with declarations of convictions. They should be familiar with this document and the procedure for handling disclosures.

8. Record keeping, complaints and appeals

All records will be kept in line with data protection law and GDPR.

An applicant who is unhappy with the outcome of this policy can appeal via the complaints policy and procedure. The appeal must be in writing and must be made within one week of the date on the decision letter.

9. Dissemination

East Lancashire Learning Group Websites
East Lancashire Learning Group Staff Hub

10. Related Policies and Procedures

Documents related to the policy are:

- Learner Behaviour & Disciplinary Policy
- Safeguarding Child and Adults at Risk Policy
- Learner Drugs and Alcohol Policy
- Equality Diversity and Inclusion Policy
- RESPECT Charter
- Additional Learning Support Policy

11. Management Responsibility

Strategic responsibility will be held by the Assistant Principal of Learner Experience and Support as part of their Designated Safeguarding Lead duty, with operational responsibility delegated to the Safeguarding, Prevent and Wellbeing Manager who is also the Deputy Designated Safeguarding Lead.

12. Monitoring and Review

This policy will be reviewed annually, or earlier if significant changes occur in legislation, safeguarding guidance or operational practice.

Annual Monitoring will take into account incident trends, outcomes and associated impact including any emerging risks related to equality of opportunity and/or safeguarding such as county lines and exploitation, making improvement as required.

13. Learner Criminal Conviction Procedures Nelson and Colne College and Accrington and Rossendale Application Process

13a. Application Process – All courses

I. On completion of an application form (or Application Portal), all prospective learners who declare an unspent or pending conviction will have their application placed on hold.

II. A prepopulated letter/Email and Criminal Conviction/Under Investigation Declaration Form/Online Link (Appendix 1) **Criminal Conviction/Under Investigation Declaration Form** will be sent to the applicant by the applications team confirming the college acknowledges their declaration and that their application has been put on hold until further information is received and processed by the Safeguarding Team.

III. When the Safeguarding Team receive the completed Declaration Form (Appendix 1) they will carry out an assessment and liaise with the relevant agencies if deemed necessary. The applicant may be invited to meet with the Safeguarding Team to collect further information or to clarify or confirm information.

IV. If the applicant is 'Ok to proceed' the Safeguarding Team will contact MIS via email and confirm that they can continue with the application.

V. The Safeguarding Team will inform any teaching staff who need to know if a learner is admitted to the course with conditions for managing risk or particular support needs. Otherwise information of the learner's conviction is not passed on.

VI. Where an applicant is deemed high risk and not suitable for this provision they will be informed of this decision via phone by the Safeguarding Team, who will at this point discuss alternative venues and signpost where applicable.

13b. Enrolment Process – All Courses

I. All prospective learners are asked on the enrolment form/Portal if they have any unspent criminal convictions/currently under investigation or pending prosecutions.

II. Those answering 'yes' are asked to complete a supplementary form – Criminal Conviction/Under Investigation Declaration Form via the online link **Criminal Conviction/Under Investigation Declaration Form** (Appendix 1) giving details. Where the course applied for involves working with children or vulnerable adults these should include 'spent' convictions.

III. The form is passed to the Safeguarding Team who may get advice and information from other agencies involved with the applicant, or arrange for the learner to be interviewed to collect further information or to clarify or confirm information.

V. The risk assessment will be recorded on the Convictions Risk Assessment Form (Appendix 2) and the applicant informed of the outcome by the Safeguarding Team.

VI. The Safeguarding Team will inform any teaching staff who need to know if a learner is admitted to the course with conditions for managing risk or particular support needs. Otherwise information of the learner's conviction is not passed on.

VII. All forms are kept securely and in line with data protection law and GDPR.

13c. Risk Assessments

i. On receipt of the Criminal Conviction/Under Investigation Declaration Form, the Safeguarding Team with direction from the Safeguarding and Prevent Manager will determine whether the information provided gives sufficient rise to any concern that the individual poses a potential risk.

ii. In carrying out a risk assessment the Safeguarding Team will complete a Convictions Risk Assessment Form (Appendix 2) and may consider as appropriate in the circumstances of the case one or more of the following aspects (this is not an exhaustive list):

iii. the nature and circumstances of the offence
iv. the date of the commission of the offence
v. the age and circumstances of the individual at the time of the commission of the offence
vi. the penalty imposed for the offence
vii. the country in which the offence was committed
viii. whether the offence was a one-off or a repeat offence
ix. the particular environment(s) that the individual would be placed in if s/he were to take up a place on a courseIf an individual refuses to disclose further information when requested and/or refuses to consent to the College contacting a third party for information, the College may come to a decision based on the information currently provided.

x. The Safeguarding Team may seek to involve relevant third parties e.g. YOT worker or Probation Officer to obtain further information and/or references.

xi. If the Safeguarding and Prevent Manager (DDSL) / Director of Learner Services (DDSL) determines there is a specific concern or high risk, this will be referred to the College Senior Designated Safeguarding Lead for a decision.

13d. Enrolment Process – For Targeted/Mandated, 'Bridging the Gap', Offender related

i. All prospective learners are asked on the enrolment form/Portal if they have any unspent criminal convictions/currently under investigation or pending prosecutions. Due to the nature of these courses this will apply to the majority of learners.

iii. The teacher is responsible for asking learners to complete the **Criminal Conviction/Under Investigation Declaration Form** (Appendix 1) or online form and for completing the resulting Group Risk Assessment (Appendix 3). Considerations based on the location of the course must highlighted in the risk assessment.

iv. The teacher is responsible for ensuring copies of all completed forms and risk assessments are given to the Safeguarding Team.

v. It is the teacher's responsibility to highlight at the earliest opportunity medium and high risk learners and to the Safeguarding Team and to ascertain approval or 'Ok to Proceed' for a whole group or for individual learners. Where a teacher is uncertain of the risk level they must consult with the Safeguarding Team.

vi. All forms are kept securely and in line with data protection law and GDPR.

vii. In exceptional circumstances the curriculum HOD/HOC can apply for a venue to be approved in its entirety, this process will be lead by the Safeguarding and Prevent Manager in liaison with the HOD/HOC. Please see appendix 7 for the form and additional information. All approved venues will be reviewed on an annual basis.

13e. Enrolment Process – Unknown learners, Less than one day, LAL Only, Community Venue only. (This does not apply to any learners that have completed the online portal enrolment they are deemed as known)

i. All prospective learners are asked at the start of the session to complete the Enrolment Form and Learner Agreement. For learners on courses who are unknown and no prior information is available they must complete the criminal conviction section with specific attention to the question 'Do you have any criminal convictions, currently under investigation or bail conditions placed on you which means you should not be in this group today'. This question must only be completed where the learners are unknown* (*no application/enrolment or previous learner information available, they are at a community venue and the course is less than one day). For any future courses the individual will be "Known" and you should refer to the guidance in section 14

ii. The teacher is responsible for checking the completed paper enrolment forms at the beginning of the session and facilitating those learners answering yes to the question to leave the premises. The teacher must ensure that this is handled in a manner to mitigate risk, ensuring that they utilise other professionals at the venue to support where possible. Please contact the safeguarding team if you require support in this instance.

13f. Guidance for Staff (All Staff)

i. The question asking whether the learner has an unspent conviction/under investigation has the potential to be difficult. Staff should be aware that the process for dealing with this issue is intended to remove or reduce this awkwardness or even learner hostility and avoid staff being put in a compromised or vulnerable position.

ii. Enrolling staff should receive updated training every 12 months on the procedure for dealing with declarations of convictions. They should be familiar with this document and the procedure for handling disclosures.

iii. When responding to any initial enquiry on this matter staff should explain briefly the reasons why the college is legally required to ask the question and be aware of the following:

- The college has a general Duty of Care to all its users (learners, staff and visitors) to ensure their safety and wellbeing. It also has a Duty to Safeguard and protect any of its users who are under the age of 18, in particular any under 16 and vulnerable adults.
- In order to meet these responsibilities, it is necessary to require all learners to declare any relevant convictions/currently under investigation to enable the college to make a judgement on any potential risks posed by their enrolment on a course.
- We therefore need to ask everyone enrolling on a course at East Lancashire Learning Group to declare if they have any unspent convictions or pending prosecutions.
- Convictions which are considered relevant are those for: Offences against a person whether of a violent or sexual nature, Offences involving the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing trafficking, or terrorism related offences
- Convictions which are spent are not considered to be relevant and are not required to be declared, unless they are applying for certain courses which require an Enhanced DBS Check e.g. Health and Social Care, Child Care.
- Learners who answer 'Yes' to any of the questions on the 'Criminal Conviction/Under Investigation Declaration Form', disregarding the question about Learning Difficulties/Disabilities, may have a relevant conviction.

iv. Staff should always be reassuring and avoid any response which may sound judgmental. The learner should be reassured of the college's commitment to confidentiality.

v. Staff should explain that having a criminal record/currently under investigation will not necessarily bar anyone from a place on a college course. This will depend on the nature of the course and the circumstances and background of the offences. The learner's place on the course will be held until a decision is made by the Safeguarding Team, or their approved representative.

13g. Courses with Mandatory DBS Checks (All Staff)

i. All learner DBS checks will be completed by the curriculum area and records of these will be stored centrally on EBS. It is the responsibility of curriculum to ensure these records are collected and accurate.

ii. Learners who are concerned that a conviction may prevent them from gaining a place on their chosen course and/or career should be encouraged to apply for their DBS checks as early as possible. If this is at the application stage, the cost of the application will be met by the learner.

iii. For courses with mandatory elements which require learners to have DBS (Disclosure and Barring Service) checks, the interviewing tutor will outline the importance of this and the consequences of not disclosing any record, caution, reprimand or final warning no matter how minor, at the application stage.

iv. If a learner declares a criminal record which is likely to cause the learner to be unable to complete some mandatory element of the course, a place cannot be offered. The interviewing tutor should refer to the Safeguarding and Prevent Manager for advice if they are unsure. The learner should be directed to 'Information Advice and Guidance' for alternative options.

v. If a learner declares an interest in working in a career area where a DBS check may be required e.g. police/law enforcement, health, teaching, working with children/vulnerable adults, the interviewing tutor should ask whether the learner has **any** (spent and unspent) criminal convictions/currently under investigation or pending prosecutions.

vi. Where a criminal record is revealed which does not impact on the applicant's ability to complete the course, but which might affect their chances of gaining employment in the vocational area, this should be discussed with them and a record of the discussion made on Pro-Monitor and the Criminal Convictions/Currently Under Investigation Disclosure Form (Appendix 1). It should also be pointed out where relevant that universities might refuse places on these grounds. A place can still be offered on the course if the learner understands the implications and still has valid reasons for doing the course (e.g. it represents a good general grounding for a number of career options or for admission to a range of university courses). The interviewing tutor should refer to the Safeguarding and Prevent Manager for advice if they are unsure. The learner should be directed to 'Information Advice and Guidance' for advice on alternative options.

vii. Some HE courses require an enhanced disclosure of spent convictions and have a condition that learners keep a clean DBS throughout; expulsion mid-study can be enforced if a conviction is gained. These courses require immediate disclosure of impending proceedings and annual learner declarations that criminal conviction records are clean; please refer to the Safeguarding Team for support.

13h. Issues on Course (All Staff)

i. Where it is revealed during a course that a learner has not disclosed a criminal record/under investigation, the Safeguarding Team will, in consultation with the Senior Designated Safeguarding Lead, consider any appropriate disciplinary action, dependent on the severity and impact of the disclosure this could result in permanent exclusion.

ii. Where a criminal prosecution or conviction occurs during the course, the Senior Designated Safeguarding Lead will make a judgement on appropriate action.

iii. Personal tutors/teachers will be alerted to any particular support needs of learners resulting from their criminal convictions/currently under investigation . Further support will be offered through liaising with the wider Safeguarding Team / Additional Learning Support Team to ensure that support needs are met where practical.

14 Appendices

Appendix 1 – Criminal Conviction/Under Investigation Declaration Form (Including electronic form link)

Appendix 2 – Convictions Risk Assessment

Appendix 3 – Group Risk Assessment

Appendix 4 – Guidance for Staff

Appendix 5 – Rehabilitation Period Guidance

Appendix 6 – Criminal Conviction Flow Chart

Appendix 7 – Venue Approval Form

Appendix 1 (PAPER FORM ONLY TO BE COMPLETED IN EXCEPTIONAL CIRCUMSTANCES)

Criminal Conviction/Under Investigation Declaration Form

Online Form click here: Criminal Conviction/Under Investigation Declaration Form

Guidance Notes for Learners

Having a criminal record or a pending prosecution will not necessarily prevent you from a place at Nelson and Colne College, Accrington and Rossendale College or Lancashire Adult Learning. This will depend on the nature of the course and the circumstances and background of any offences. If you fail to disclose any relevant information then your offer of a place or enrolment on the course may be withdrawn.

Following completion of this declaration, discussion where appropriate may be needed with the Safeguarding Team.

Declaring Criminal convictions/currently under investigation and Pending Convictions

East Lancashire Learning Group has a Duty of Care to all its users (learners, staff and visitors) to ensure their safety and wellbeing. It also has a duty to safeguard and protect any of its users who are under the age of 18, and in particular any under 16. In order to meet these responsibilities it is necessary to require all learners to declare any convictions or pending prosecutions to enable Nelson and Colne College/Accrington and Rossendale College/Lancashire Adult Learning to make a judgement on any potential risks posed by their enrolment on a course.

Spent Convictions are not considered to be relevant and you are not required to reveal them unless you are hoping to join a course where you may come into contact with children or vulnerable adults.

When is a Conviction considered Spent?

The Rehabilitation of Offenders Act 1974 enables criminal convictions/currently under investigation to be 'spent' after a rehabilitation period. Rehabilitation periods vary dependent on the conviction and sentence given. If you are not sure whether your conviction is spent and should be declared, you should get advice from the appropriate agency e.g. Probation Service, NACRO (National Association for the Care and Resettlement of Offenders) or visit the online calculator www.disclosurecalculator.org.uk or www.unlock.org.uk for upto- date advice.

PRIVATE AND CONFIDENTIAL

Please tick: Nelson and Colne College ☐

Accrington and Rossendale College ☐

Lancashire Adult Learning ☐

Name:	**DoB:**
Address:	**Contact numbers:** **Home**
Course Applied for:	**Mobile**

The college needs as much information as possible for it to undertake an accurate risk assessment. We appreciate the need for Data Protection and ask that you ensure you have informed consent to share data or are making sure you are sharing this information legally.

Please complete the following, if you are declaring a conviction:

Offence/s:	**Date of Conviction:**	**Penalty / Nature of Sentence:**

Please give further detail about your conviction/s including information on your circumstances at the time:

Please complete the following, if you are declaring you are currently under investigation:

Offence/s:	**Date of Conviction:**	**Penalty / Nature of Sentence:**

Please give further detail about your conviction/s including information on your circumstances at the time:

Are you currently on a:	Tagging Order	Yes	No
	Home detention curfew	Yes	No
	Sex offenders register	Yes	No
Do you have any history of the following?	Arson	Yes	No
	Violence against a person	Yes	No
	Offences against children/vulnerable adults	Yes	No
	Drug supply/dealings	Yes	No
Are you currently?	Under bail conditions	Yes	No
	Pending a court hearing	Yes	No
Do you have a learning difficulty/disability?		Yes	No
If yes, please give details:			

Please complete the following for both declarations:

It may be useful for Nelson and Colne College/Accrington and Rossendale College/Lancashire Adult Learning staff to talk to other professionals who have been, or are currently, involved in helping you with the issues connected to your conviction(s). Sharing information with other professionals involved in your case will enable us to develop a clearer picture of your situation and needs. By working together we can plan appropriate courses of action. For example it can be useful to contact probation officers/social workers to gain a reference for you, or more details about the circumstances of your conviction or treatment. Similarly, they may wish to find out if you have been offered a place on a course.

Please give details of your Key worker / Probation Officer (please circle) and other support workers (if appropriate):

Name: Tel: _____

Name: Tel: _____

Applicant Declaration

I have read, or listened to, the information provided on this form and understand that the College needs this information to ensure I am provided with the appropriate information, advice and guidance. I confirm that I give my consent to Lancashire Adult Learning/Nelson and Colne College/Accrington and Rossendale College to use this information to risk assess my application. I accept that as a result of the discussions of the Risk Assessment Panel my application or enrolment may be terminated and I will be withdrawn from any course(s) that I have joined. I understand that I must inform the College if I later become involved in any further criminal investigations that have not been declared above. I understand that if I am found not to have revealed a Caution, Criminal Conviction, Reprimand or Final Warning my application or enrolment will be terminated immediately. I understand that this information wi ll be stored and managed under the Data Protection Act 1998 and in line with GDPR.

Name (please print): Signature:

Date:

Appendix 2

STRICTLY CONFIDENTIAL RISK ASSESSMENT

Disclosure of Cautions, Criminal convictions/currently under investigation ,

Reprimands or Final Warning

Risk assessment to be completed by the Safeguarding Team.

Name:	DoB:
Course:	Venue:

	High	Medium	Low
What was the offence?	Murder, manslaughter, rape, sexual offences, GBH, ABH, other serious acts of violence, Class A drugs related, arson, fire arms, knife related	Robbery, burglary, theft, deception, fraud, drunk and disorderly, criminal damage, other drugs related, dangerous driving	Drink driving offences, vandalism, motor offences
What was the sentence?	Custodial	Suspended, community, conditional discharge	Warning, final warning, caution, reprimand, fine, absolute discharge
When was the offence committed?	<3 years	>3 years, < 10 years	10 years +
Is there a pattern of specific offences?	Yes	Some	No
Is the type of course a factor? This may depend on offence committed and any risks associated with particular courses	Course content / delivery methods / other factor likely to be unsuitable	Course content / delivery methods / other factor may be unsuitable	No concerns

	High	Medium	Low

Will the location of the course be a factor? This may depend on offence committed and the potential impact of contact with other learners	Campus with 16-18 learners / Vulnerable adults (Including NCC Main site and ARC Main site)	All locations with adult learners / NCC/ARC main campus with adult learners	Course location not a significant factor
Have the police, probation service, YOT or other agency been contacted?	Contact made and serious reservations expressed or declared unsuitable	Contact made and some reservations shared	Contact made and no reservations
Total			
Other factors Please document here any other relevant factors that need to be taken into account and your assessment of the risk level			

Level of risk confirmed by Probation (if applicable)

Children	
Public	
Known adult	
Staff	

Section six	Outcomes	Details	Actions
Unconditional enrolment (Green)		Provide details below	Inform learner actions
Conditional enrolment (Amber)		Provide details below	Inform learner actions
Application rejected (Red)		Provide details below	Inform learner actions
Application deferred pending further info		Provide details below	Inform learner actions
Application deferred – alternative course		Provide details below	Inform learner actions
Application deferred – other reason		Provide details below	Inform learner actions

Section seven	Further details

Section eight	Future actions	By who	By when

Section nine	Authorisations

Panel member	Signature _____ Date _____ Signature _____ Date _____ Signature (VP) _____ Date _____

Appendix 3

GROUP CONVICTION RISK ASSESSMENT

This form should be completed in conjunction with the Criminal Conviction/Under Investigation Declaration Form.

Teacher Name:	**Teacher Signature:**	**Number in group:**
Course:	**Venue:**	**Date:**
ISSUES TO BE CONSIDERED	**COMMENTS**	
Are there 'high risk' offenders in the group? Give details. i.e. Sex Offenders YES/NO Number__ Violent Offenders YES/NO Number___ Hate Crime Offenders YES/NO Number Terrorist Offenders YES/NO Number__		
Who may be at risk? Please comment. Young people/children ☐ Vulnerable adults ☐ General Public ☐ Staff ☐ Other ☐		
Are there any offender conditions that may affect any learners attending the venue for the course? If yes, what needs to be taken into account?		
What other conditions need to be in place to ensure other learners, staff remain safe?		
Are other safeguards in place to minimize risk against offending while in the learning environment? i.e. reviews, partnerships with other agencies.		

Contact details for other agencies i.e. Job Centre contact.	
Other measures taken to ensure safety of all concerned:	

Review:			
Date	**Changes**	**Comments**	**Initials**

Teacher to retain a copy and send a copy, when completed and after reviews, to the Safeguarding Team: staysafe@nelsongroup.ac.uk

Appendix 4 Guidance for all staff

The question asking whether the learner has an unspent conviction has the potential to be difficult. Staff should be aware that the process for dealing with this issue is intended to remove or reduce this awkwardness or even learner hostility and avoid staff being put in a compromised or vulnerable position.

Enrolling staff should receive updated training every 12 months on the procedure for dealing with declarations of convictions. They should be familiar with the Criminal Conviction Policy and the procedure for handling disclosures.

When requesting this information on this matter staff should explain briefly the reasons why the college is legally required to ask the question and be aware of the following:

- The college has a general Duty of Care to all its users (learners, staff and visitors) to ensure their safety and wellbeing. It also has a Duty to Safeguard and protect any of its users who are under the age of 18, in particular any under 16 and vulnerable adults. • In order to meet these responsibilities it is necessary to require all learners to declare any relevant convictions to enable the college to make a judgement on any potential risks posed by their enrolment on a course.
- It is the responsibility of every member of enrolling/teaching staff to ensure there is opportunity to disclose this information and to seek support from the Safeguarding Team if they are unsure of the procedure.
- We therefore need to ask everyone enrolling on a course at Nelson and Colne College/ Accrington and Rossendale College/ Lancashire Adult Learning to declare if they have any unspent convictions or pending prosecutions.
- Convictions which are considered relevant are those for:
    - Offences against the person whether of a violent or sexual nature,
    - Offences involving the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.
- Convictions which are spent are not considered to be relevant and are not required to be declared, unless they are applying for certain courses which require an Enhanced DBS Check e.g. Health and Social Care, Child Care.
- Learners who answer 'Yes' to any of the questions on the Declaration of Convictions Form, disregarding the question about Learning Difficulties/Disabilities, may have a relevant conviction.

Staff should always be reassuring and avoid any response which may sound judgmental. The learner should be reassured of the college's commitment to confidentiality.

Staff should explain that having a criminal record will not necessarily bar anyone from a place on a college course. This will depend on the nature of the course and the circumstances and background of the offences. The learner's place on the course will be held until a decision is made by the Safeguarding Team, or their approved representative.

Appendix 5 **Rehabilitation Period Guidance**

The following is given as information, if a learner or potential learner needs to determine if their conviction/s are spent then they will need to contact an agency such as Nacro who will give them advice and guidance. You should not be advising learners regarding their convictions please refer them to the relevant agencies. (https://hub.unlock.org.uk)

Is it spent?

The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs and for other purposes, like when buying insurance.

Apart from those individuals who are given prison sentences of more than 4 years, most people with convictions will benefit from it at some point in their lives. The table below sets out the time it takes for the main sentences to become spent following the changes that were introduced in 2014. This is known as the 'rehabilitation period' for the conviction. A conviction may have a number of rehabilitation periods depending on the sentence – in this situation, the longest one applies.

If you have access to the internet, you can also use our online tool **www.disclosurecalculator.org.uk**

Prison sentences & Community orders (with a buffer period)

Sentence		Time it takes to become spent	
		Adult (18+) at conviction/disposal	Young person (U18) at conviction/disposal
Prison (including suspended prison sentences)	Over 4 years or a public protection sentence	Never spent	Never spent
	More than 30 months and less than (or equal to) 4 years	Full sentence + 7 years*	Full sentence + 3 ½ years*
	More than 6 months and less than (or equal to) 30 months	Full sentence + 4 years*	Full sentence + 2 years*
	Less than (or equal to) 6 months	Full sentence + 2 years*	Full sentence + 18 months*
Community order / Youth rehabilitation order		Full length of the order + 1 year	Full length of the order + 6 months

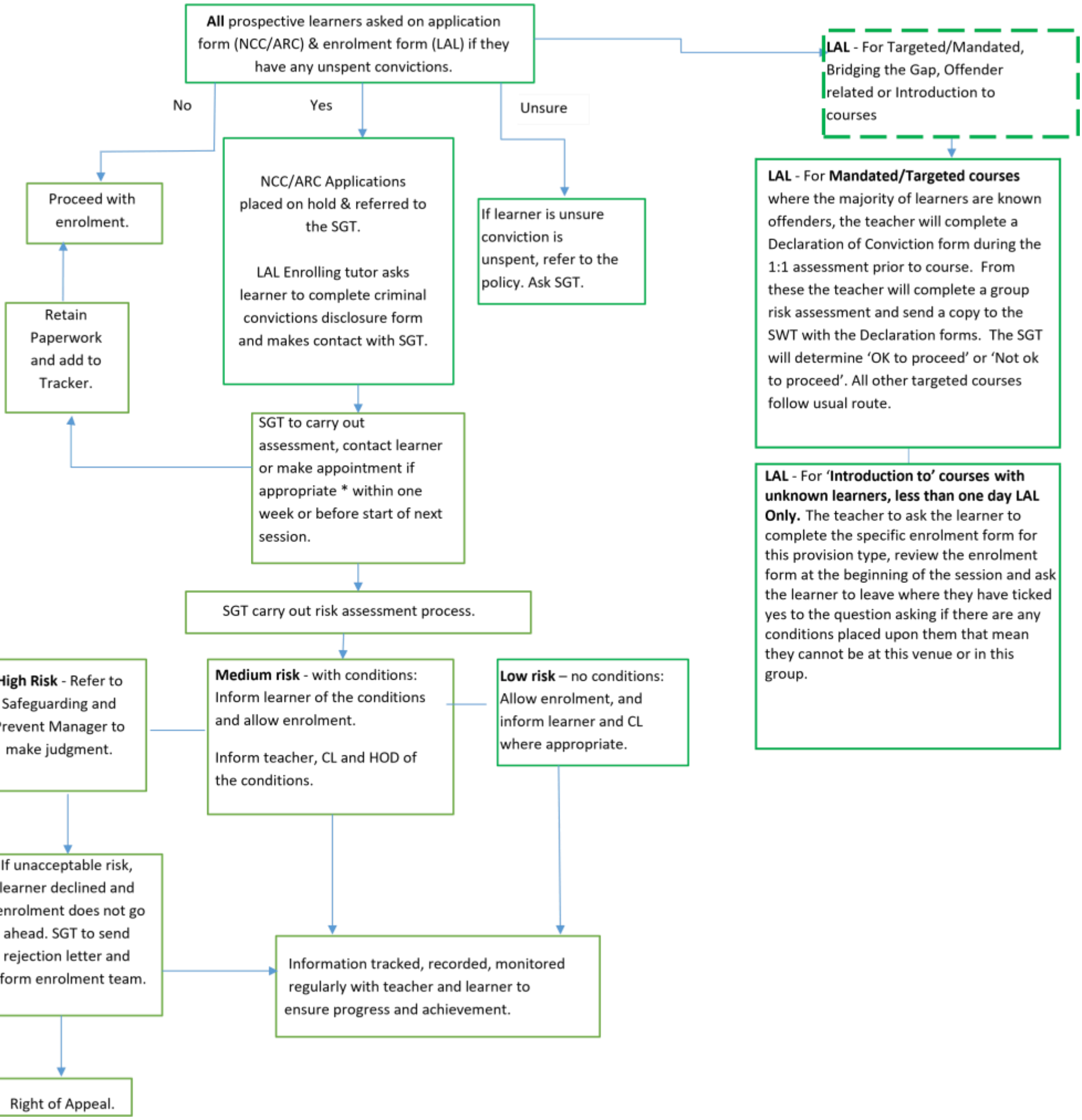
*Sentence length includes time spent on licence

Other community sentences (with no buffer period)

Sentence/Disposal	Time it takes to become spent (from date of conviction)	
	Adult (18+) at conviction/disposal	Young person (U18) at conviction/disposal
Fine	1 year	6 months
Conditional discharge	Length of the order	Length of the order
Absolute discharge	Spent immediately	
Conditional caution / youth conditional caution	3 months (or when it ends, if earlier)	3 months
Simple caution / youth caution	Spent immediately	
Compensation order	Once it is paid in full	
Bind over	Length of the order	
Hospital order (with or without restrictions)		
Referral order		
Reparation order	Spent immediately	
Endorsement (imposed by a court)	5 years	2 ½ years
Motoring disqualification (imposed by a court)	Length of the disqualification	
Relevant order	Length of the order	

Appendix 6 Criminal convictions/currently under investigation Flow Chart

All NCC, ARC and LAL Courses



Appendix 7 – APPROVED VENUE

Head of Curriculum completing form	
Venue Name	
Venue Address	
Venue Email	
Venue Phone Number	
Venue Contact Individual	
Type of Venue	
Venue Risk Assessment Received Date	
Venue Risk Assessment Shared with Safeguarding	**Yes/No**

The venue above is exempt from providing individual criminal conviction/under investigation details under the following conditions.

- **This is a closed venue where all attendees reside together**
- **The venue has provided a risk assessment**
- **The venue takes full responsibility for the health, safety and wellbeing of all individuals in learning**
- **All reasonable steps have been made to ensure the safety of the ELLG member of staff including, induction to the premises, support from onsite staff, emergency protocols.**

Manager of setting signature		**Date:**
Head of Division signature		**Date:**
Safeguarding and Prevent Manager (DDSL) Signature		**Date:**