

LEARNER WITH A CRIMINAL RECORD

Prepared by: Head of Learner Services

Policy Approved by: Strategic Management Team 08/02/06 Minute: 1068c
12/04/11 Minute: 1943
Curriculum & Quality Panel 06/05/11 Minute: 460
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Equality impact assessed & endorsed 23/02/11

AOS aim 2

Last Reviewed February 2007, February 2011

Review Date: February 2015

Preamble to the Policy

Equal Opportunities

The College shall comply with all statutory duties in respect of equal opportunities in the areas of sex, race, age, disability, sexual orientation, transgender, religion, belief, pregnancy, maternity and paternity, marriage and civil partnership and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

1. Introduction

- 1.1 This document covers the procedure for dealing with situations where it becomes known that a learner has a criminal record.
- 1.2 The main purpose of this policy is to ensure that the safety of staff and learners is considered together with risks to the property of the College and its partners.
- 1.3 Readers may find it beneficial to refer to College policies on Learners' Admission, Discipline and CRB checks when using this policy.

2. Scope

- 2.1 Everyone associated with the College irrespective of site will follow this procedure. It includes collaborative provision.

3. Procedure

- 3.1 When it is discovered that a learner has a criminal record the Curriculum Area Manager must undertake a risk assessment.
- 3.2 The first step in assessing risk will be to take account of whether the conviction is 'spent' (The Head of Learner Services can advise on this). If this is the case the learner must be treated as having no criminal record.
- 3.3 Having identified that an offence is current the Curriculum Director should clearly identify the nature of the offence and the court decision.
- 3.4 The Curriculum Director will then objectively assess the extent to which the offence is a risk to staff, learners and resources at the college and in partner organisations.
- 3.5 If there appears to be insignificant risk the learner should be allowed to progress as normal (subject to section 4).
- 3.6 If there appears to be some risk then it may be possible for the learner to continue with certain conditions or measures in place (subject to section 4).
- 3.7 If there is unacceptable risk the learner should not be allowed to study at the College (subject to section 4).

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- 3.8 Before finalising the decision the Curriculum Director must seek approval of their assessment as per section 4.
- 3.9 Following an assessment of risk the learner will be informed of their position preferably in writing.

4. Approval of Action

- 4.1 Before finalising a decision arising from a risk assessment the Curriculum Director should copy their assessment and decision to the Vice Principal Planning & Performance, Head of Learner Services and Principal for approval.

5. Data Protection

The data involved in this process is extremely sensitive and all staff must ensure utmost care in handling the information that arises from the process. Persons using this policy should adhere to the College Data Protection Policy. Paperwork and summary lists must be kept secure and destroyed when no longer required.

6. Policy Review

The Head of Learner Services will review this policy every four years.