

LEARNER CRIMINAL RECORD CHECKS

Policy Implemented: 2003

Produced by: Head of Learner Services

Policy approved:	Academic Board	06/05/03	Minute 226
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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 and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

1. Introduction

This document covers the procedure for checking the criminal records of learners. This being done when the course pursued involves work experience in an organisation/role where this would normally be an appointment condition e.g. working with children or vulnerable adults.

2. The Criminal Records Bureau (CRB)

The Criminal Records Bureau (CRB)* is an executive agency of the Home Office, set up to help organisations make safer recruitment decisions. By providing access to criminal record information, the CRB helps organisations in the public, private and voluntary sectors, including educational institutions, to identify applicants who may be unsuitable for certain employment or voluntary work, especially that involving contact with children and other vulnerable members of society.

3. Registered Body

Coleg Morgannwg is a Registered Body with the CRB. As such, it adheres to the CRB Code of Practice, which is available from campus services offices on request. Information received from the CRB will be handled in an appropriate, sensitive and confidential fashion.

The College has nominated members of staff who are responsible for handling the Disclosure process. These staff are based in campus services office. They individuals have been subjected to CRB Disclosure and have been approved by the CRB.

4. Scope

- 4.1 Everyone associated with the College irrespective of site will follow this procedure. It includes collaborative provision.
- 4.2 It will extend to learners enrolling on any courses where learners are required to undertake work experience in work that normally requires a criminal record check as a condition of appointment.

5. Procedure

- 5.1 Learners falling within the scope of this policy will be required to complete a CRB disclosure and a college disclosure(Appendix A) of convictions statement as a condition of enrolment and particularly work placement.
- 5.2 This requirement will be made clear at the applicant's initial interview. The applicant must be made aware that convictions, cautions, reprimands or warnings cannot be considered 'spent' in relation to their application.
- 5.3 Applicants are requested to disclose any convictions, cautions, reprimands or warnings prior to their second interview using the form shown in Appendix A.
- 5.4 Following receipt of the applicant's statement (see Appendix A), the curriculum area 'CRB panel' will review the information received and consider the appropriateness of allowing the applicant to proceed. The applicant will either:
 - i. be rejected on the nature of the offence and/or the information given in the statement
 - ii. be enabled to progress to the second admission interview, via correspondence, based on information given in the applicant's statement (normally for very minor offences only)
 - iii. be invited to an exploratory interview with the Curriculum Area's CRB Panel

Following an exploratory interview, the applicant will either:

- iv. be allowed to proceed with the application process
- v. have the decision deferred pending submission of further evidence
- vi. be rejected

The applicant will be informed of the decision of the Curriculum Area's CRB Panel in writing, and that the following conditions will apply:

- vii. if the application is allowed to proceed, the applicant will be informed that any subsequent CRB disclosure must match the information given in any written statement or at the exploratory interview
 - viii. following acceptance to the programme, each learner will be required to sign a self-declaration (Appendix B), at enrolment/during induction and at the commencement of each academic year, stating that their CRB status has not changed.
- 5.5 The learner will be liable for the fee associated with the CRB disclosure but in some circumstances may be supported from College grant funds.
 - 5.6 No learner will undertake a course or work placement where the business involves substantial contact with children or vulnerable adults until they have submitted a completed application to the CRB. It is the duty of the tutor managing work placement to ensure this is the case.
 - 5.7 Staff administering the checks will strictly adhere to the procedures required by CRB and the college ensuring the strictest confidentiality at all times.
 - 5.8 All correspondence with CRB will be kept in a locked cabinet at the appropriate campus office.
 - 5.9 Teachers will only be furnished with the knowledge that a check is completed and that it is acceptable or unacceptable.

5.10 If an undisclosed conviction or caution is indicated, and depending on the nature of the offence, the applicant may:

- have the offer of a place withdrawn immediately
- be asked to attend an interview with members of the designated CRB Panel in order to explore the situation, the outcome of which could be either to withdraw the offer of a place or to allow the candidate to proceed.

5.11 Tutors will ensure that no learner undertakes a work placement until the necessary check has been submitted to CRB.

6. The Curriculum Area CRB Panel

This Panel is responsible for assessing the suitability of applicants where their disclosure contains information regarding criminal offences. Applicants will be assessed against a pre-determined criteria and a decision made as to whether they are considered suitable for entry on to a course or not.

The CRB Panel members will normally be drawn from the:

- Curriculum Area Manager
- Learner Services Manager
- Campus Office Manager
- Senior Curriculum Leader

Members of the Panel will meet to consider:

- i. whether the written evidence is sufficient to allow the applicant to continue with the application
- ii. whether the applicant is required to attend an interview with designated members of the Panel to explore the situation further
- iii. whether to inform the applicant, in writing, that his/her application has been rejected.

To assist the Panel in making the appropriate decision regarding an applicant, its members may utilise predictive assessment tools, which identify patterns of offending and potential re-offending, and/or seek external, expert advice.

Curriculum Area's CRB Panels must take care to be objective in assessing which offences bar learners from entry to courses and or work placement. Decisions must be made on the facts that arise from the CRB checks and self disclosures and not on any subjective sources of information. It is recommended that a list of unacceptable offences is constructed for each course. This list must be formulated by seeking out industry practice norms e.g. Social Services standards for carers. This list should then be referred to when ruling on individual cases. Cases, which are unclear, should be discussed with the Assistant Principal and/or the Learner Services Officer in order to arrive at a considered decision.

7. Criteria for Assessment of Criminal Offences

Although applicants will be considered on individual merit, the following criteria will apply:

Category A

Applicants with criminal convictions, cautions, reprimands or warnings, including any of the following, will normally be rejected irrespective of the time lapse between conviction and application.

Offences involving child abuse, sexual abuse, sexual offences, abuse of vulnerable adults, pornographic offences, dealing in drugs and grievous bodily harm (GBH).

Any inclusion on the:

- *List held under Section 142 of the Education Act 2002*
- *Protection of Children Act List*
- *Protection of Vulnerable Adults List*

or other relevant information disclosed at the Chief Police Officer's discretion.

Category B

Applicants with any other criminal convictions, other than those in Category A, that are not spent within the definition of the Rehabilitation of Offenders Act 1974, will normally be rejected.

As cautions, reprimands and warnings carry a NIL rehabilitation period, applicants will normally not be considered for at least three years from the date of the offence.

Category C

Applicants with any other convictions, cautions, reprimands or warnings, other than those in Category A, that are considered spent under the Rehabilitation of Offenders Act 1974. The applicant may be required to attend an exploratory interview to assist the Panel in making a decision as to whether the application may progress.

Offences other than those in Category A, for example, actual bodily harm, common assault and battery, drug related offences, offences showing evidence of lack of honesty or trust-worthiness, fraud, theft, and excess blood alcohol levels.

The Panel will consider the seriousness of the offence, the number of offences, the period between the last offence and the application, the pattern of convictions, changes in circumstances since the conviction and whether the offence has been disclosed by the applicant on the CRB Disclosure.

COLEG MORGANNWG POLICY DOCUMENT

The final decision regarding acceptance of any applicant with a conviction or a caution for Actual Body Harm will be taken by the Curriculum Area Manager, following referral to and advice from the Panel.

Category D

Applicants with minor criminal offences that are considered spent under the Rehabilitation of Offenders Act 1974. Provided the applicant has disclosed the offence on application, the following may be accepted on written evidence, which is subsequently checked for congruence with the CRB Disclosure.

A single minor offence showing dishonesty or untrustworthiness, such as petty theft, drunk and disorderly, and minor driving offences.

8. Data Protection

The college is committed to complying with the data protection act. 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. Paperwork and summary lists must be kept secure. CRB forms will be kept in a central system based in Campus Services and destroyed when no longer required.

9. Policy Promotion

Learners who require the CRB check will be made aware of this policy. All staff involved in the process and tutoring the courses involved will be made fully aware of this policy. The policy will be published on the internet and intranet.

10. Policy Review

The Learner Services Officer will review this policy every three years.



APPENDIX A

DISCLOSURE STATEMENT

Disclosure of any criminal record by applicants wishing to enter a training programme that would give them access to children and/or vulnerable adults.

If you are accepted as a learner at Coleg Morgannwg, you will be working with young children and/or vulnerable adults as part of your training programme. A pre-requisite to being accepted is a declaration in respect of your criminal record. You are, therefore, requested to sign this Disclosure statement.

SURNAME _____ **OTHER NAMES** _____

TITLE (Mr/Mrs/Miss/Ms/Dr) _____ **MAIDEN NAME** _____
(where applicable)

PREVIOUS MARRIED NAME _____
(if applicable)

DATE OF BIRTH _____

PLACE OF BIRTH (Town and Country) _____

PRESENT ADDRESS _____

_____ **POST CODE** _____

I HAVE LIVED AT THIS ADDRESS SINCE (date) _____

PREVIOUS ADDRESS(ES) WITHIN THE LAST 5 YEARS (including dates)

Do you have a prosecution pending or have you ever been convicted in court or cautioned by the police for any criminal offences? (Circle whichever applies to you)

YES / NO

If yes, provide details of any or pending prosecutions, convictions, cautions and bin-over orders, including approximate date(s), the offence(s) and the court or police force that dealt with/is dealing with your case. Write all the information on a separate sheet of paper, including your name, place it in a sealed envelope and pin or staple it to this form.

If accepted, I hereby give permission for a CRB Disclosure Application to be made in my name.

SIGNED _____ **DATE** _____

APPENDIX B**DISCLOSURE DECLARATION**

Disclosure of any criminal offence subsequent to signing a Disclosure Statement and/or submitting a CRB Disclosure Application by applicants accepted for enrolment on a training programme or progressing to a new academic year.

Following acceptance on a training programme or when you progress to a new academic year, you are required to sign this self-declaration form stating that your CRB Disclosure status has not changed since you signed the Disclosure Statement (Appendix A) and/or submitted a CRB Disclosure Application.

SURNAME _____ **OTHER NAMES** _____

TITLE (Mr/Mrs/Miss/Ms/Dr) _____ **DATE OF BIRTH** _____

I declare that my CRB Disclosure status has / has not changed (cross out the option that does **not** apply to you) since I signed the Disclosure Statement (Appendix A) and/or submitted a CRB Disclosure Application.

If your status has changed, provide details of any or pending prosecutions, convictions, cautions and bin-over orders, including approximate date(s), the offence(s) and the court or police force that dealt with/is dealing with your case. Write all the information on a separate sheet of paper, including your name, place it in a sealed envelope and pin or staple it to this form.

SIGNED _____ **DATE** _____

APPENDIX 3

Campus Services Process for carrying out Checks

1. When a learner is invited to an interview for certain courses (identified as requiring CRB disclosure checks) they will be asked to bring the required documentation with them to undertake a CRB check.
2. At the admission interview a CRB approved member of the Campus Services team will help the applicant complete their form.
3. The completed form will be securely filed following that interview,
4. On GCSE results day Campus Services staff will confirm the applicant's place on their course and the applicant will visit to do this and pay the required CRB fee and bring any missing information
5. The CRB disclosure forms will be sent off to the CRB at this point.
6. On the return of the result of the check the Campus Services officer will update the main records with the overall outcome i.e. clear or unacceptable.
7. Unacceptable forms will be referred to the CAM for a final decision, involving their CRB panel, and the spreadsheet updated to clear or unacceptable following their decision.
8. People outside this process must not have access to the CRB application form or the resulting report.
9. Throughout the process the Campus Services Office Manager will maintain a spreadsheet with basic details to monitor the check's progress and result.
10. The tutors will be informed of the status of the check on request. Note the onus is on the course tutor to find out from Campus services if a learner has a clear CRB before placement commences.
11. Forms and files will be destroyed in line with CRB guidance.