

## Students with a Criminal Record

**Produced by:** Learner Services Officer

**Policy approved:** Strategic Management Team 8/2/06 Minute 1068c

**Policy Implemented:** Immediately

**Revised by:** Learner Services Officer February 2007

**Review Date:** January 2011

# COLEG MORGANNWG POLICY DOCUMENT

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## **Preamble to the Policy**

### **Equal Opportunities**

The College shall comply with the Sex Discrimination Act 1975, the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001 and Disability Discrimination Act 2005), the Rehabilitation of Offenders Act 1974, the Human Rights Act 1998 (or any enactment modifying or replacing them) and all relevant statutory duties in respect of equal opportunities.

### **Special Educational Needs and Disability Statement**

The College shall have particular regard to the provisions of the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001 and Disability Discrimination Act 2005) in respect of this policy.

The Act applies to people who are disabled according to the definition of disability in the DDA 1995. That is, a disabled person is someone who has a physical or mental impairment that has an effect on his or her ability to carry out normal day to day activities.

That effect must be:

1. Substantial (that is, more than minor or trivial), and
2. Adverse, and
3. Long-term (that is, has lasted or is likely to last for at least 12 months or for the rest of the life of the person affected).

The College is committed to take all reasonable steps to implement or adjust the policy taking in the circumstances of each individual. Reasonable steps may include, for example, alternative format documents, special arrangements for meetings. (Please note the examples are not exhaustive).

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## **1. Introduction**

- 1.1 This document covers the procedure for dealing with situations where it becomes known that a student has a criminal record.
- 1.2 The main purpose of this policy is to ensure that the safety of staff and students 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 students 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 student 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'. If this is the case the student must be treated as having no criminal record.
- 3.3 Having identified that an offence is current the Curriculum Area Manager should clearly identify the nature of the offence and the court decision.
- 3.4 The Curriculum Area Manager will then objectively assess the extent to which the offence is a risk to staff, students and resources at the college and in partner organisations.
- 3.5 If there appears to be insignificant risk the student 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 student to continue with certain conditions or measures in place (subject to section 4).
- 3.7 If there is unacceptable risk the student should not be allowed to study at the College (subject to section 4).
- 3.8 Before finalising the decision the Curriculum Area Manager must seek approval of their assessment as per section 4.
- 3.9 Following an assessment of risk the student will be informed of their position preferably in writing.

## **4. Approval of Action**

- 4.2 Before finalising a decision arising from a risk assessment the Curriculum Area Manager should copy their assessment and decision to their Assistant Principal, Learner Services Officer and Principal for approval.

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- 4.2 A unanimous agreement to the decision should be sought and a meeting to seek such agreement may be necessary. Where agreement cannot be reached the Principal will have the casting opinion.

## 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. Paperwork and summary lists must be kept secure and destroyed when no longer required.

## 6. Policy Review

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