



Admissions Policy & Procedures For Applicants with Unspent Criminal Convictions

Responsible Officer: Admissions and Threshold Services Manager

Date: May 2007

Review Date: May 2008

Milton Keynes College is committed to equal opportunities and will endeavour to provide education and learning opportunities for all, regardless of race, gender, age, culture, sexuality, disability, or background.

Policy

Introduction

The College Criminal Convictions Policy is designed to provide opportunities for prospective students with unspent criminal convictions to apply to College courses whilst taking into consideration the wellbeing and safety of the College community.

Prospective students are required indicate on the application form if they have a relevant unspent criminal conviction. If the student enrolls without completing an application form they would be expected to disclose this information at enrolment. A relevant criminal conviction is considered to be convictions for offences against the person, whether of a violent or sexual nature, and convictions for offences involving the unlawful supply or use of controlled drugs or substances.

Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not considered to be relevant. For further advice on whether convictions are unspent please contact NACRO on 020 7840 6464.

Failure to disclose a relevant unspent conviction could result in exclusion or disciplinary action by the College. The College reserves the right to verify the information that is provided.

The College will seek further information before making a decision about the perceived level of risk that a prospective student's offence poses. Where ex-offenders are offered a place at the College, the College is committed to providing support in order that they can enjoy and achieve.

Scope

All full and part-time students accessing the College. Where the applicant is under 18 and is currently working with the Milton Keynes Youth Offending Team, risk assessments are undertaken by the Youth Offending Team. Information from this risk assessment is sent to the College in order that the College can decide whether the application may be processed in the normal way or whether further assessment is required.

Procedures

Where a prospective student indicates that they have a relevant unspent criminal conviction by application or postal enrolment form:

- Further details of the offence and sentence will be requested by Customer Services.
- A risk assessment meeting will be arranged within 14 days of the application and a letter sent to the prospective student to advise them of the date/time.

- The risk assessment will be carried out by two members of staff, who have been trained by NACRO to conduct criminal disclosure assessments. Prospective students are welcome to bring a supporter of their choice to the risk assessment meeting. In cases where the student is under 18 the parent or carer will also be invited to the assessment.
- The application will be kept (pending) in the system until the outcome of the assessment, so that the applicant is not be disadvantaged by the delay.
- At risk assessment notes will be taken and the prospective student will be asked to sign that the notes made are accurate, the individual may also be asked to sign a form giving consent for the College to share information with other professionals.
- Prospective students are informed that in order to accommodate a student with relevant unspent convictions, they may be subject to additional controls and/or support to enable them to study at the College.
- Applicants are informed of the decision on whether the application can be progressed by telephone as soon as possible after the risk assessment. This would not guarantee a place but that the application can proceed in the normal way
- If the applicant is enrolled a copy of the notes agreed at the meeting and the risk assessment will be sent to the relevant Section Manager. The Section Manager will hold this information and provide it only to those with a genuine need to know, connected with the individual's learning.
- The prospective student is required to notify the Director of Learner Services, should they be convicted of any additional relevant offences between the date of risk assessment and the end date of their course
- If the prospective student has a positive risk assessment and it is agreed that their application can proceed but there are no places available on the course, the application would be deferred to next year and the student would not undergo another risk assessment (unless convicted of any additional relevant offences between the date of risk assessment and the start of the course
- The College will destroy all information about ex-offenders who do not obtain a place at College to ensure compliance with the Data Protection Act 1998. Prospective students who reapply will need to be risk assessed again.

Disclosure at Enrolment

Where prospective students make a disclosure at enrolment the College policy regarding disclosure of relevant convictions will be explained. Enrolment will be delayed whilst the above procedures are carried out. The risk assessment will be undertaken as soon as possible after disclosure. Prospective students will not be able to start their course before a risk assessment is carried out.

Whenever a prospective student is unsure as to whether their conviction is unspent a private facility should be made available wherever possible for them to contact NACRO. If this is not possible the telephone number should be given to the student.

CRB checks

Irrespective of the criminal disclosure policy some courses require an enhanced criminal records bureau disclosure. These are usually for courses which involve working in positions of trust with children, young people or vulnerable adults. All convictions spent or unspent, for any offence may be taken into consideration for these courses. Prospective students are urged to discuss this at interview should they feel it applies in their case.

Appeal against the Decision

Should a prospective student feel that they have grounds for appeal against the decision taken they should refer to the Policy and Procedures for Appeals against Admission Decisions.

Cross Reference:

- Admissions Policy & Procedures
- Conditional Entry Policy & Procedures
- Policy & Procedures for Appeals against Admission Decisions