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## Ex-Offenders' Policy (Learners) FILTON COLLEGE

### 1 Introduction

Filton College's Ex-Offenders' Policy is designed to provide prospective learners with the opportunity to apply for an appropriate course at Filton College, whilst taking into consideration the safety of the College Community.

The College is committed to the promotion of an environment that is safe to work and learn in and has a duty to protect its learners, staff and visitors. On this basis, applicants enrolling at the College will be asked to declare unspent criminal convictions.

The Policy will apply to all full and part time learners with unspent convictions as defined by the Rehabilitation of Offenders Act (1974) and the Exceptions Order (1979).

The Policy ensures all applicants are asked to disclose if they have any unspent convictions. Those who disclose they do, are asked to complete an Ex-offender's Disclosure Form, which details the dates of the convictions and the type of conviction.

Following the ex-offender's disclosure, the applicant will be invited to complete a risk assessment with either the Head of Learner Services or the Executive Director Learner Experience and if applicable any appropriate external agencies i.e. the applicant's Parole Officer or Youth Offending Supervisor.

A criminal record arises from a conviction. Under the Rehabilitation of Offenders Act (1974) and the Exceptions Order (1979) any convictions for a criminal offence can be regarded as spent provided:

- The conviction did not carry a sentence excluded from the Act, such as custodial sentence of over two and a half years.
- No further convictions occurred within a rehabilitation period.

Once the conviction is spent, the rehabilitated person does not need to reveal its existence in most circumstances, **unless** involved in certain occupations:

- Working with young people under the age of 18
- Social Services
- Administration of justice
- Professions with legal protection, e.g. nurses, lawyers
- National security

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.

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## 2 Statement of Purpose

The purpose of this Policy is to ensure that any prospective learner with an unspent criminal record is given every opportunity to apply for an appropriate course in Filton College. The College will work with the individual and any support agencies, (Youth Offending Supervisor, Probation Officer etc), to ensure the chosen course is appropriate and safe for the prospective learner and the College community. All areas will be looked at when considering the appropriateness of the course, including the level of supervision available to the applicant on the course they wish to join (if applicable) in addition to any support available to assist the applicant in being successful on the course.

All efforts will be made to signpost an alternative learning pathway if the original course selected is deemed unsafe for the applicant or the College Community.

## 3 Body of Policy

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## 4 Procedures

Where a prospective learner indicates that they have a relevant unspent criminal conviction prior to commencement of course:

- Further details of the offence and sentence will be requested by either the Executive Director Learner Experience or the Head of Learner Services. The applicant will be sent a Criminal Record Disclosure Form (*Refer to Appendix A*)
- Applicants that fail to respond will be informed in writing of the College's intention to withdraw their application.
- A risk assessment meeting will be arranged within 14 days of the application and a letter sent to the prospective learner to advise them of the date/time.
- The application will be kept (pending) in the system until the outcome of the assessment, so that the applicant is not disadvantaged by the delay.
- At the risk assessment meeting, notes will be taken and the prospective learner will be asked to sign that the notes made are accurate, the individual

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may also be asked to sign a form giving consent for the College to share information with other professionals. (*Refer to Appendix B*)

- Prospective learners are informed that in order to accommodate a learner with relevant unspent convictions, they may be subject to additional controls and/or support to enable them to study at the College.

The assessment of risk may involve an introduction to certain safeguards, such as:

- Supervision
- Progress Reviews
- Working in Partnership with external agencies

In some cases (with permission from the applicant) details of the conviction may also be discussed with the Health and Safety Manager or any other Manager as appropriate.

- Applicants are informed of the decision on whether the application can be progressed either at the end of the meeting or by telephone as soon possible after the risk assessment. This would not guarantee a place but that the application can proceed in the normal way.
- All records, which will include Criminal Record Disclosure Form, the Ex-Offender Risk Assessment Form, and any relevant documentation will be retained securely in a locked filing cabinet. These records will be destroyed when the learner completes their course or leave the College (whichever is the earliest) or at the end of the academic year that their conviction becomes spent.
- The learner is required to notify either the Executive Director Learner Experience or Head 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.
- Should a learner fail to disclose their criminal conviction and it later comes to light, a risk assessment will be carried out, if the risk assessment determines that the learner may pose a threat to the College community, the learner will be asked to leave the College.

## **5 Appeal against the Decision**

The applicant has the right to appeal against the criteria implemented. The appeal must be lodged within 10 days of the risk assessment meeting and a clear statement of the grounds for appeal must be included.

The date of the appeal hearing will be set to allow all parties sufficient time to gather required evidence. The Vice Principal and Deputy Chief Executor will hear the appeal or appoint a member of the Senior Leadership Team to hear the appeal. The applicant may bring one support worker to accompany them to the meeting.

This could possibly be the applicant's Parole Officer, Youth Offending Supervisor or any other agreed Support Worker supporting their rehabilitation.

## 6 CRB Checks

Irrespective of the criminal disclosure, 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 learners are urged to discuss this at interview should they feel it applies in their case.

## 5 Monitoring, Evaluation and Policy Review

It will be the responsibility of the Head of Learner Services to review and monitor this policy/procedure and assess its implementation and effectiveness. The Policy/Procedure will be promoted and implemented throughout the College.

Section 175 of the Education Act 2002 places a duty on College Governing bodies to make arrangements to ensure their functions are 'exercised with a view to safeguarding and promoting the welfare of children receiving education or training at the institution'. In this context 'Child' refers to learner under 18.

## 6 Related Policies

- Equality & Diversity
- Safeguarding Children, Young People and Vulnerable Adults Policy

Review due date:	November 2011
Post responsible for Procedure and Initiation Review:	Executive Director Learner Experience
Committee/Group Involved:	
Authorised for use (by above Owners) date:	November 2010

**Appendix A**

**Criminal Record Disclosure Form**

<b>Full Name</b>	
<b>Date of Birth</b>	
<b>Course</b>	

The details requested on this form will be treated sensitively.

The information on this form will initially be looked at by the Head of Learner Services or Executive Director Learner Experience, if it is considered that your criminal record has a relevance to either the course you have chosen or to you being on the college premises, then the Head of Learner Services will undertake a risk assessment which will lead to one of the following decisions:

- We are able to process your application
- We are able to consider your application providing you agree to certain conditions or support
- We are not able to consider your application at this present time

**List all un-spent criminal convictions, along with details of the sentence imposed, sentence served, together with the name and address of the court where you were tried.**

Type of conviction	Sentence Imposed	Date Sentence imposed	Name & Address of court handing down sentence
1.			
2.			
3.			

**If you are applying for a course leading to work with children (under 18), vulnerable adults, social services, uniformed services or the health service, please also provide information on any spent convictions**

Type of conviction	Sentence Imposed	Date Sentence imposed	Name & Address of court handing down sentence
1.			
2.			
3.			

**Please explain the circumstances of each offence below, including any mitigating circumstances considered by the court. A letter describing the circumstances is also welcomed if appropriate.**

1.	
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2.	
3.	

Use the space below to provide a reflection on your actions, which led to the convictions listed overleaf. Include details of your rehabilitation.

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If you are on probation at the moment, please provide us with permission to discuss your case with your: Probation Officer, Drugs Worker, YOS Worker, RAP Worker

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**Details of Person to Contact:**

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**Based at:**

**Telephone Number:**

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I give you permission to discuss my case with my Probation Officer, Drugs Worker, YOS Worker, RAP Worker as necessary  
Y  N

I declare that to the best of my knowledge and belief, everything documented in this form is accurate and up-to-date. I also authorise Filton College to make an application to obtain previous convictions if needed.

Signed:	Date:
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**Please return completed form to: Rosheen Hucker – Head of Learner Services, Filton College, Filton Avenue, Filton, Bristol BS34 7AT**

## Appendix B

### Enrolment of Students with Criminal Convictions RISK ASSESSMENT FORM

Addressing issues relating to criminal convictions needs an objective, common sense approach, which takes account of the following issues.

Students with convictions of violent, sexual or child pornography offences are subject to stringent control. In these situations advice must be sought from appropriate agencies.

The College has a duty to protect students and staff and not place them at risk of harm. Control measures put in place as a result of the risk assessment could include:

- Supervision
- Progress Reviews
- Partnership with external agencies

Issues to Consider	Evidence/Commentary	Control measures to put in place
<b>Nature of the crime</b> <ul style="list-style-type: none"> <li>• Exemption status under the Rehabilitation of Offenders Act, duties under the Police and Children's Act regarding 1:1 contact with children, or vulnerable adults</li> </ul>	(Note: It is illegal to employ certain offenders in some occupations, which should be considered in appropriateness of course choice)	
<b>When was the crime committed?</b> <ul style="list-style-type: none"> <li>• The length of time since the crime was committed</li> </ul>		
<b>The circumstances involved</b> <ul style="list-style-type: none"> <li>• Improved personal circumstances making re-offending less likely?</li> <li>• Drug or alcohol addiction therapy?</li> </ul>		
<b>Patterns of offending</b> <ul style="list-style-type: none"> <li>• Was the offence a one off?</li> <li>• Was the offence part of a history of offending?</li> </ul>		
<b>Efforts to avoid re-offending</b> <ul style="list-style-type: none"> <li>• The involvement and co-operation with the Probation Service</li> <li>• The degree of remorse shown</li> <li>• Support from family</li> </ul>		
<b>Safeguards against offending whilst at college</b> <ul style="list-style-type: none"> <li>• Supervision</li> <li>• Regular Progress Review</li> <li>• Working in liaison with external partnerships</li> </ul>		

Issues to Consider	Evidence/Commentary	Control measures to put in place
<p>The possible reactions to staff, students, and parents/guardian of students to presences of ex offender being in college</p> <ul style="list-style-type: none"> <li>Are they a high profile offender within the local community?</li> </ul>		
<p>Will the nature of the course present any realistic opportunities for the student to re-offend?</p>		

Outline of Control Measures in place

- Control measures sufficient to enrol student
- Control measures insufficient to enrol student
- Applicants assured that information will be kept confidential
- Applicants informed of the specific need to disclose information and who the information has been disclosed to

<b>Student Name</b>	<b>Signature</b>	<b>Course Applied for</b>
<b>Head of Learner Services</b>	<b>Signature</b>	
<b>Executive Director Learner Experience</b>	<b>Signature</b>	
<b>External Agency</b>	<b>Signature</b>	<b>Position</b>
<b>Date:</b>		

