

DOCUMENT DETAILS

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Applicability	Students	X	Staff	X
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Summary	This policy outlines the college approach to criminal conviction disclosure.			

DOCUMENT CONSULTATION & APPROVAL

Consultation person / body	Date passed
None	

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IMPACT ASSESSMENT

A significant negative impact has been identified in the following area and a full impact assessment/ risk assessment is available.

Equality & diversity	No
GDPR	No
Health & safety	No
Safeguarding	No

Friendly version of policy available	No
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POLICY CHANGES

Key updates	Impact	Section reference
Name of title updated	None	Page 5

FE Criminal Conviction Disclosure Policy

Nottingham College does not wish to deter applicants with a previous criminal record from taking advantage of the potential opportunities provided by Further Education. In general, a criminal record should not be regarded as an obstacle to further study or employment. However, the college has a legal duty of care to reduce the risk of harm or injury and to reasonably ensure the safety and security of its community (students, staff and visitors).

As a condition of taking their place, applicants are required to disclose **all criminal convictions, whether spent or unspent**. Applicants must also disclose any **cautions, community orders and any ongoing or pending police investigations** relating to relevant offences. For some courses (e.g. including but not limited to law, accountancy, early years, social work and teaching) applicants are required to disclose all convictions and/or cautions and to undergo a Disclosure and Barring Service (DBS) application (previously known as a Criminal Records Bureau (CRB) check), and any other necessary checks both before and after enrolling. The college will inform applicants when such checks are required. Applicants are expected to work openly and constructively with the college to provide full and accurate information when requested so that a proportionate risk assessment can be undertaken.

To summarise:

1. All applicants:
 - The college is required to ask if they have a 'relevant' unspent criminal conviction (as defined by the Rehabilitation of Offenders Act 1974). Please see the guidance notes below.
 - The college must ask if they have any previous convictions, whether spent or unspent, as well as cautions, community orders or ongoing/pending police investigations.

The FE Criminal Conviction Disclosure Form is attached to this policy as Appendix 1.

What is a relevant criminal conviction?

Relevant criminal offences include convictions, cautions, admonitions, reprimands, final warnings, community orders, binding over orders (or similar) involving any of the following:

- Violence of any kind - including (but not limited to) threatening behaviour, harassment and stalking.
- Offences concerning an intention to harm or offences resulting in actual bodily harm, grievous bodily harm, attempted murder and murder.
- Sexual offences – including those listed in the *Sex Offences Act 2003*.
- Unlawful supply of controlled drugs or substances where the conviction involves commercial drug dealing or trafficking.
- Offences involving knife / bladed weapons.
- Offences involving firearms.
- Offences involving arson.
- Offences involving terrorism – including those listed in the *Terrorism Act 2006*.

There are a number of offences which will normally be ignored as individual blemishes on an otherwise clear record - such as motoring offences, soft drug possession (not dealing), graffiti and minor 'teenage' skirmishes.

What does 'spent' mean?

If a person does not re-offend during their rehabilitation period, the conviction becomes 'spent' (as defined by the *Rehabilitation of Offenders Act 1974*). Spent convictions are not considered

to be relevant and for most courses may not need to be considered. The time it takes for a criminal record to become spent depends on the sentence received and the age of the individual at the point of conviction. Please note that certain offences (such as those with a sentence of 30 months or more) are never spent. The Safeguarding Team is available to advise both staff and students should any advice or clarification be required.

'Spent' convictions (as defined by the *Rehabilitation of Offenders Act 1974*) are not considered to be relevant and normally do not need to be disclosed unless you are applying for a 'regulated' course (one associated with working with children or vulnerable adults).

Convictions outside the United Kingdom

If an applicant has been convicted of a similar offence by a court outside the United Kingdom, and that conviction would not be considered as spent under the *Rehabilitation of Offenders Act 1974*, it should be treated as unspent and disclosed.

Convictions declared upon application

Where an individual declares a conviction at the point of application, they will automatically receive an initial disclosure request form to the email address provided. The information returned will be reviewed, and—considering the factors outlined above—the application will either be approved for enrolment at that stage or placed on hold pending a full risk assessment with the relevant professionals.

Following receipt of further details regarding the offence(s) and circumstances, the application will either be approved to enrol or referred by the Designated Safeguarding Lead (or delegate) to a Safeguarding Panel for consideration and decision-making.

Only upon approval by the Convictions Team will the applicant be authorised to enrol, at which point relevant staff will be instructed accordingly.

Note: Applications will remain on hold until the process is complete. No variation or bypass of this process is permitted. The onus rests with the applicant to engage fully and provide the required information; it is not the responsibility of the college to chase for disclosure.

Convictions After Application

Where a conviction for a relevant criminal offence occurs after an application has been submitted, the applicant must advise the college at the earliest opportunity.

Upon receipt of this information, the college will undertake a risk assessment to determine whether the conviction, caution, community order or ongoing/pending police investigation is compatible with the applicant taking up a place or continuing their course. Where required, the college may also be under a duty to share information with professional, regulatory or statutory bodies.

Possible outcomes following assessment may include:

1. Approval for the applicant to continue with their application and/or enrolment.
2. The imposition of conditions and/or restrictions on an offer, admission, enrolment or study to manage any identified risks.
3. Refusal of enrolment or termination of an offer or contract where risks cannot be safely managed.

Only upon approval by the Convictions Team (or Safeguarding Panel where required) will the applicant be authorised to enrol or continue their studies, at which point relevant staff will be instructed accordingly.

Note: Applicants are expected to engage fully with this process and provide all requested information. Applications or enrolments will remain on hold until the process is complete.

Data Protection

The college will treat all information disclosed or provided under this policy with respect and in accordance with its legal obligations for the fair and lawful processing of information.

FE Criminal Records Disclosure Procedure

As stated in the FE Criminal Records Disclosure Policy applicants enrolling on all FE courses are asked to disclose if they have any unspent criminal convictions or hearings pending. Also, applicants will be made aware that for some courses (such as those leading to the 'caring professions'), all and any previous convictions may still be considered relevant (regardless of whether they are considered spent). Appropriate information, advice and guidance will be given in relation to the screening procedure and the potential impact on work placements and / or future applications to employment.



Stage 1 - Application

As part of their application, the applicant will be asked to declare whether they have a criminal conviction. If YES:

- An automated email will be sent by Admissions asking the applicant to complete an initial disclosure request for information form.
- The Safeguarding Team will be informed of these applicants.
- The application will be placed 'On Hold' on EBS.
- An automatic reminder is sent to the applicant every 2 weeks. If no response after 1 month, an email is sent to Admissions to withdraw the application and note EBS accordingly.

UCAS applicants will be asked to complete a risk assessment survey or Further Education Criminal Records Disclosure Form.

Stage 2 – Risk Assessment

The Safeguarding Team will be notified when the initial disclosure request for information form has been received. If it is apparent that the box has been ticked in error, the application will be taken off hold and progressed by Admissions.

Initial screening

In the first instance, disclosure forms are examined by the Safeguarding Team, who will make an initial assessment on whether the information provided requires further consideration.

Where further detail is required in order to appropriately assess and progress an application, the applicant (or their representative) may be contacted to provide this. In such cases, the college will require completion of the standardised Risk Assessment Form. This ensures consistency, transparency and thoroughness across all agencies involved, while safeguarding the principle of due diligence and equality of opportunity for the applicant. All external agencies and other statutory

partners are expected to engage with this process and provide the required information using the college's agreed format.

Note: The onus rests with the applicant to ensure that all required forms are completed and submitted. Applications will remain on hold until the process is complete; it is not the responsibility of the college or its partners to chase for this information.

Disclosure Levels

Disclosures will normally be categorised by level thereby assessing the potential risk to students, staff and visitors. Each disclosure will be looked at individually - ranked as High, Medium or Low - taking into consideration:

- Campus location
- Course applied for
- Previous convictions / disclosures
- Previous Safeguarding / Behaviour / Wellbeing concerns
- Potential risk to applicant, peer group, staff or visitors
- Learning environment the applicant is planning to study in relation to their disclosure.

Some examples of risk levels (including but not limited to):

- Low risk – Driving / speeding offences, possession of controlled drug offences, low level theft and first level cautions for simple offences
- Medium risk - Complex dishonesty offences, first offences for low level violence offences (with no aggravating factors) and low-level offences against the person (in broad terms)
- High risk – Actual bodily harm (ABH), Grievous bodily harm (GBH), supply or intent to supply drug offences, offensive and prohibited weapons / knife offences, sexual offences, firearms offences and any offence resulting in a custodial sentence

Please note, the examples above are not exhaustive and disclosures of other offences will be considered appropriately.

Stage 3 – Decision Making

If an offer can be made (with or without conditions including trial periods, behaviour support or alternative offer to that of application), the decision is communicated to the applicant, admissions and relevant others that enrolment can go ahead. Initial disclosure requests for information forms and risk assessments are kept securely in safeguarding and destroyed in line with the college's retention schedule.

Criminal Disclosure Panel

Where the criminal record is considered relevant and following the receipt of further information within the risk assessment the Safeguarding Panel may be convened. This comprises of at least:

- Assistant Principal Inclusion and Support – to act as Chair
- Safeguarding and Behaviour Manager
- Safeguarding Officer

It may also be deemed necessary for other relevant staff to be involved following the risk assessment (where relevant):

- Head of Faculty / Curriculum Manager
- Behaviour Specialist

- Representatives from external agencies e.g. police, probation, youth offending, prison service (as appropriate).

The panel will assess the appropriateness of the application, all known relevant information, review all associated risks, including any mitigation or reasonable adjustments and then determine if the application can be accepted. If agreed the panel may consider conditions that may be required to ensure that all students, staff and visitors are safe. The panel reserves the right to decline an application on the basis of safeguarding / health and safety implications without appeal.

All applicants discussed at the panel will be anonymous to ensure that all decisions are fair and transparent.

The case will normally be presented to the Assistant Principal of Inclusion and Support, alerting the panel to any potential concerns they may have been considered by the Safeguarding Team upon receipt of the information. Any decision the college may make to decline an application may be concluded on the basis where it is considered that potential risks are too high to any person or that risk cannot be managed within the setting / campus / course. and the college is unable to put a robust risk assessment in place. The college will make this decision on the grounds of safeguarding, wellbeing and health and safety of all parties and being able to ensure that there are no significant risks to the college community.

The panel's decision will be communicated in writing to the applicant (or representative) by the Assistant Principal of Inclusion and Support (or delegate).

Right of Appeal against a Panel decision

The applicant may appeal a decision of the criminal disclosure panel by writing to the Vice Principal Curriculum and Support **within 10 working days** of being informed of the result. The appeal should detail any new or additional information which has not already been considered to the panel. The Vice Principal Curriculum and Support will consider the information provided and inform the applicant (or representative) of the decision within 10 working days of receiving the appeal. The Vice Principal's decision is final.

Stage 4 – On-going Process and Support

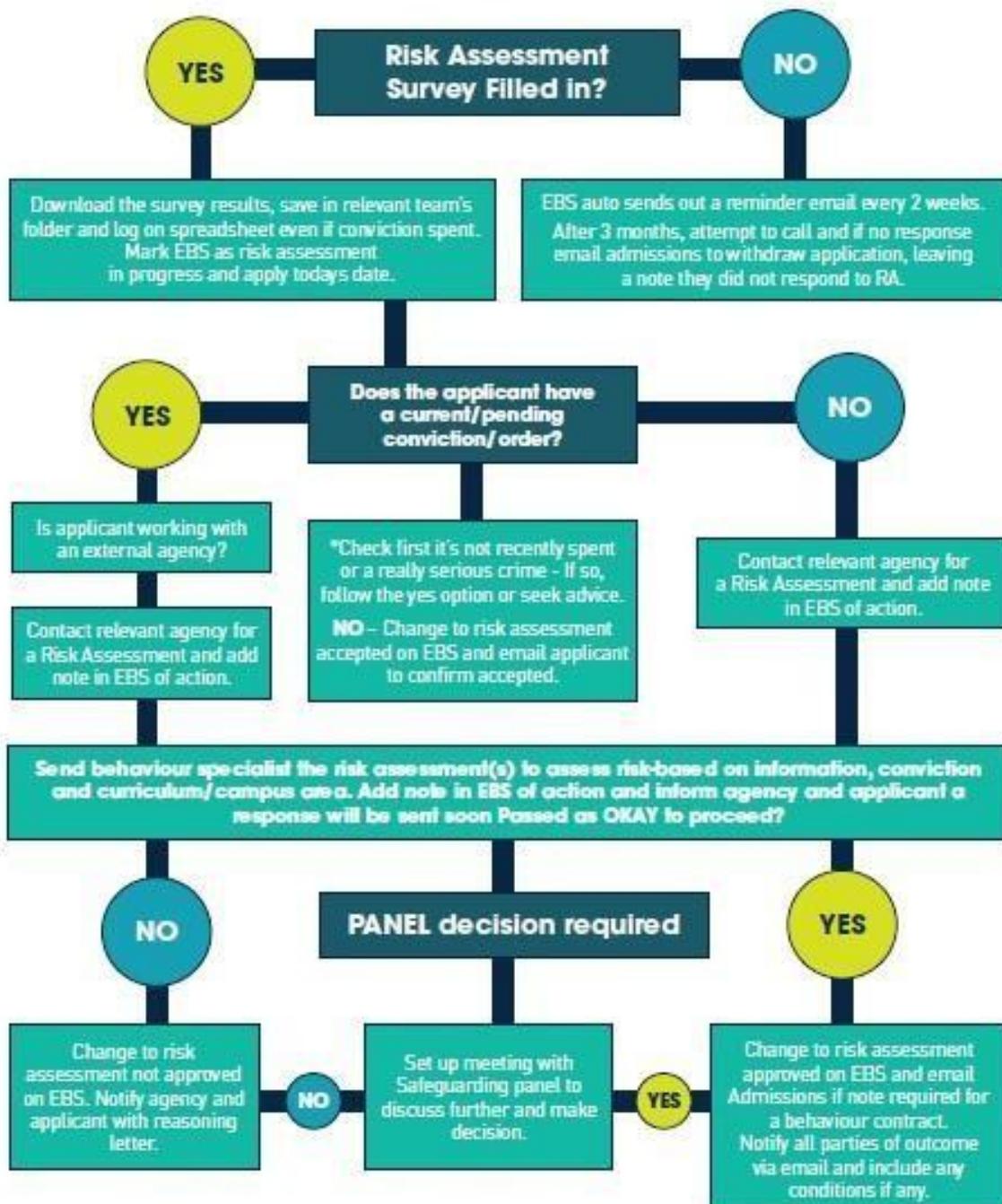
An integral part of the process is the creation and maintenance of a Positive Behaviour Support Plan. These plans ensure that appropriate structures are in place to help students manage challenges and to prevent re-engagement in behaviours that may have led to previous offending.

Students with convictions may or may not require additional support during their course, but where this is identified, tailored interventions will be put in place. Evidence shows that students who are supported—both internally and through external agencies—are significantly less likely to revert to behaviours linked to their convictions.

The college has extensive mechanisms to provide this support, delivered in line with the **Nottingham College Behaviour Strategy** which emphasises restorative practice, proactive intervention, and personalised support planning. Many staff are trained and experienced in understanding complex needs, ensuring that students with convictions are given the same opportunities to thrive, while clear expectations and firm boundaries are maintained to protect the wider college community.

<https://nottinghamcollegeacuk.sharepoint.com/sites/ebd/SiteAssets/Forms/AllItems.aspx?id=%2Fsites%2Febd%2FSiteAssets%2FSitePages%2FWelcome%2FBehaviour%2DStrategy%2D24%2D25%2Epdf&parent=%2Fsites%2Febd%2FSiteAssets%2FSitePages%2FWelcome>

Process for risk assessing student applicants with criminal convictions



Appendix 1

FE Criminal Conviction Initial Disclosure Form

We require you to disclose whether you have any criminal convictions which are both relevant and unspent.

The college needs this information to assess any potential risk you may pose to the college community including both staff and students.

You will not automatically be prevented from enrolling on the course and all disclosures will be considered on a case-by-case basis.

Where the college considers you unsuitable to join the college community based on the risk assessment, we are permitted to withdraw the offer or to terminate the contract. Alternatively, we may allow you to enrol and commence study subject to certain conditions being met.