

Enrolment Disclosure Policy and Procedure

Author	Assistant Principal, English, Maths & Support
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Person Responsible	Deputy Executive Principal – Teaching, Learning & Improvement
Approval/review bodies	SLT - Health & Safety Committee (for info only)
Frequency of Review*	24 months

* Policies will be reviewed more frequently if legal changes or good practice require

Review History:		
Date	Reviewed by	Reason for review
Jan 2011	Compliance and Policy Manager	Title change of Person Responsible
Nov 2012	Assistant Principal Learner Experience & Support	Title change of Person Responsible
Feb 2016	Assistant Principal, English, Maths & Support	General Update
Feb 2018	Assistant Principal, Teaching and Learning	General Update
Feb 2020	Assistant Principal, English, Maths & Support	General Update
Aug 2022	Deputy Executive Principal – Teaching, Learning & Improvement	Change of structure, titles, and acquisition of Colleges.
Jul 2023	Deputy Executive Principal – Teaching, Learning & Improvement	More detail was needed about our process when we receive a Criminal Disclosure if it requires further investigation before considering acceptance of an application.

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Related policies/documents: Criminal Conviction documentation, Cautions and Warnings Declaration Form; Control Measures Form; ‘No offer’ letter;

1. Purpose

To ensure that applicants with criminal convictions are given every opportunity to benefit from the courses the College offers, whilst maintaining the College's safeguarding duty of care to do everything reasonable to provide a safe and secure environment for all its learners, staff and visitors.

North Kent College ("the College") applies to all learners at all campuses and sites of the College including but not limited to: Dartford, Gravesend, Greenwich, Hadlow and Tonbridge campuses.

2. Objectives

- 2.1. Learners and potential learners are encouraged and enabled to disclose criminal records, in a safe and confidential way and are given the best chance of benefiting from education.
- 2.2. Learners and potential learners are provided with an appropriate level of support which takes into account their previous experience and difficulties.
- 2.3. College learners are protected from individuals who present a high risk of harm to others and to property.
- 2.4. The well-being of the College community and the effective running of the College is protected.

3. Intended Outcomes

- 3.1. Learners and potential learners are not refused access to College courses for which they are academically suited on the grounds of a previous criminal record, unless their presence at the College has been demonstrated to pose a risk to themselves, or others, or to College property, or unless their criminal record significantly limits their chance of success on their course.
- 3.2. All applicants are asked to disclose criminal convictions, cautions/warnings and pending prosecutions.
- 3.3. Assessment of risk is undertaken in a sensitive, discreet and confidential way, taking into account the needs of all concerned.
- 3.4. All records are kept securely and destroyed in line with current Data Protection Policy (information related to applicants who do not enrol is destroyed immediately and information related to learners is destroyed on completion of their course).
- 3.5. The College meets all its legal obligations.
- 3.6. Learners do not begin courses where a previous criminal record is likely to disbar them from some mandatory aspect of the course (e.g. mandatory work experience in childcare courses). If necessary,

Careers, Advice & Guidance would be sought for learners where this applies.

- 3.7. Learners are advised before undertaking a course if it is felt that a criminal record is likely to significantly impact on their chances of gaining employment in their chosen field. The choice as to whether to undertake the course though remains theirs, as they may have objectives other than the gaining of employment in that particular field for doing so.
- 3.8. The College liaises, as appropriate, with other agencies involved with the learner to ensure a fair risk assessment and good support for the learner if they undertake a course.
- 3.9. The College plays an appropriate part in the rehabilitation of offenders.

4. Key Stakeholders

- 4.1. College learners;
- 4.2. Potential learners;
- 4.3. College staff;
- 4.4. Governors;
- 4.5. Funding and inspection bodies;
- 4.6. Criminal justice organisations; and
- 4.7. External agencies involved.

5. Responsibilities

The Deputy Executive Principal Teaching, Learning & Improvement, is responsible for maintaining this policy and for contributing to risk assessments. The following are responsible for implementing it:

- 5.1. The Welfare and Safeguarding Team;
- 5.2. Head of Welfare & Safeguarding;
- 5.3. Admissions staff;
- 5.4. Admissions tutors;
- 5.5. Risk Manager;
- 5.6. Assistant Principals and their Head of Curriculum; and
- 5.7. Tutors.

6. Procedure

In order to meet the responsibilities outlined in the policy, it is necessary to require all learners to declare any relevant cautions/convictions, or warnings, to enable the College to make a judgement on any potential risks posed by their enrolment on a course.

- 6.1. Everyone who applies for a full-time course, or enrolls on a part time course, will be asked to declare any convictions, cautions or warnings.
- 6.2. Those answering “yes” are asked to complete a Criminal Conviction, Cautions and Declarations form (Appendix 1). Once completed, this will be returned to the Head or Deputy Head of Welfare and Safeguarding (marked Private and Confidential).
- 6.3. The Head or Deputy Head of Welfare and Safeguarding will carry out initial criminal convictions risk assessment (Appendix 2).
 - 6.3.1. If the issue is seen as low and manageable, then an offer will be made in the normal way.
 - 6.3.2. If the risk is seen as high, the team will not interview the applicant and a ‘no offer’ will be issued to the applicant.
 - 6.3.3. If the risk is seen as medium, the Head or Deputy Head of Welfare and Safeguarding, will decide if a further meeting is required, to ascertain more detail around the criminal conviction, before any decision is made by the College to approve the applicant for a place.
 - 6.3.3.1. Attendees at the meeting should include at least one member of the Welfare and Safeguarding Team, together with at least one member of the curriculum area where the young person has applied.
 - 6.3.3.2. The applicant must attend and they are encouraged to bring along a parent/carer, as well as their Youth Offending Team/Service representative.
 - 6.3.3.3. There will inevitably be an extensive level of questioning to provide assurance the applicant would not be a significant risk to themselves, or others should they be awarded a place at the College.
 - 6.3.3.4. If the applicant chooses not to attend, without an adequate reason as to their non-attendance, the meeting will still convene.
 - 6.3.3.5. If the applicant fails to attend the meeting or, if they attend but fail to engage fully in this meeting, the decision will be made in the absence of further

information, which may be detrimental to the application.

- 6.3.3.6. The meeting should be regarded as an opportunity to showcase the applicant's desire to attend the College and their commitment to wholeheartedly engage in any offer of a place, regardless of their prior criminal conviction.

- 6.4. Following the meeting between the applicant and the Safeguarding and Curriculum team members, a Safeguarding Panel may be convened to review the evidence obtained. This comprises:

- 6.4.1. a Deputy Executive Principal or a Vice Principal (Chair);

- 6.4.2. any Assistant Principal (not a direct line manager for the curriculum area);

- 6.4.3. a Head or Deputy Head of Welfare and Safeguarding (not involved in the meeting outlined in point 6.3); and

- 6.4.4. advice and guidance may also be sought from other staff, as appropriate e.g. Head of Curriculum, Welfare and Safeguarding Team members, Risk Manager etc.

- 6.5. The Safeguarding Panel may decide:

- 6.5.1. enrol learner, with no control measures;

- 6.5.2. enrol learner, with control measures in place. Panel will share with personal tutor and Head of Curriculum control measures put in place. Other information regarding the conviction caution or warning is NOT passed on; and/or

- 6.5.3. refuse the applicant a place, "No Offer" letter to be sent from the relevant Assistant Principal.

- 6.5.3.1. If the applicant has learning needs and/or an EH&CP consideration will be given to their needs when making a decision.

7. Issues on Course

- 7.1. Where it is revealed during a course that a learner has not disclosed a criminal record, warning or caution, the Head of Curriculum will, in consultation with the Assistant Principal, consider appropriate disciplinary action, relevant to the severity and impact of the disclosure. In consultation with a Deputy Executive Principal and/or a Vice Principal, this may result in withdrawal of the learner without recourse for Appeal.

- 7.2. Where a criminal prosecution or conviction occurs during the course, the safeguarding and risk assessment team will make a judgement on appropriate action as per point six above.

- 7.3. Personal tutors will be alerted to any particular support needs of learners resulting from their records and liaise with the Welfare & Safeguarding Team to ensure that these are met, where practical.

8. Right of Appeal

If refused a place, the applicant has the right of appeal and should write directly to the Chair of the Safeguarding Panel Meeting. Any Appeal request should include information not already taken into consideration at any of the previous meetings that may mitigate the decision.

The original Chair of the Safeguarding Panel will not be dealing with the Appeal, as it will be dealt with by an alternative senior lead. The alternative Deputy Executive Principal/Vice Principal should review the minutes of the Safeguarding Panel Meeting and the content of the Appeal letter before replying, within two weeks, of the decision.

The Appeal outcome could be:

- 8.1. decision upheld;
- 8.2. decision overturned and applicant is permitted to enrol with no control measures; or
- 8.3. decision overturned and applicant is permitted to enrol with controls measures put in place.

The Deputy Executive Principal/Vice Principal dealing with the Appeal will respond within two weeks of receipt of the Appeal with a final decision. If the decision is upheld and the applicant is not offered a place, the decision is final with no further recourse.

If the applicant can provide evidence that the concerns pose a reduced risk after a year, they have the option to re-apply in the subsequent year. The same procedure is repeated if the conviction remains unspent.

If the conviction is spent, then it will be for the Curriculum team to discuss with the Welfare and Safeguarding Team, the applicant's eligibility for an offer of a place. The decision of the curriculum team for a spent conviction is final.

Appendix 1: Criminal Conviction, Cautions and Warnings Declaration Form

Name:		DOB:	
Address:			
Course Applied For:			
Please complete the following			
Do you have any spent convictions?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you have any pending court cases?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Do you have a current criminal conviction?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Details of Convictions or Pending Cases			
Date of: Conviction Charge Summons		Details: Please include specific information regarding the offence and the outcome of the conviction or details of bail/remand conditions	
Probation Officer, YOS Worker, Key Worker - Name and contact details:			
Do you give consent for the above to be contacted:		YES <input type="checkbox"/>	NO <input type="checkbox"/>
Signature: Date:			

Please note that

- If you are currently involved in a criminal investigation or you are convicted of a criminal offence after you have applied or started on your College course, you must tell us.
- If you fail to reveal a criminal conviction, caution or warning and it is disclosed later, this may end any enrolment agreement you have with the College.

Appendix 2: Criminal Convictions: Risk Assessment Form

The College has a general duty of care to all its users to ensure their safety and well-being. To meet these responsibilities, it is necessary to require all learners to declare any convictions, cautions or warnings to enable the College to make a judgement on any potential risks.

Name of Applicant:				DOB:		
Address:						
Course applied for:						
QUESTION TO ASK: Was the Criminal Convictions declaration ticked in error on your application/interview record form?		YES include explanation if relevant. PROCEED WITH OFFER NO continue with questions				
WHAT WAS THE OFFENCE? Please continue on a separate sheet if necessary				Please circle answer		
				HIGH	MEDIUM	LOW
What was the sentence?		NOTES:		Custodial	Suspended, community, conditional discharge	Warning, caution, reprimand, fine, absolute discharge
When was the offence committed?		DATE:		In the past three years	Between three and 10 years	More than 10 years before
Is the type/nature of the offence directly relevant to the programme applied for? If yes, in what way?		YES	NO	YES	Some link between offence and aspects of course of study	NO
Is there a pattern of specific offences? If yes, state nature of pattern:		YES	NO	YES	Some instances	No pattern

Result Guide: If in doubt – refer to Head of Student Welfare & Safeguarding Services

ALL LOW: Proceed with Offer
50/50 LOW/MEDIUM: Curriculum to agree offer or refer to Head of Student Welfare & Safeguarding Services
50/50 LOW/HIGH: Curriculum to agree offer or refer to Head of Student Welfare & Safeguarding Services
50/50 MEDIUM/HIGH: Refer to Safeguarding Panel
ALL HIGH: Refer to Safeguarding Panel

FINAL DECISION	APPROVED BY:	
	PRINT NAME:	
	DATE:	