

PENDING PROSECUTION

OR

CRIMINAL CONVICTION

POLICY

FOR

ENROLLED STUDENTS

Owner: Vice Principal: Student Services & Support
Issue Date: March 2014
Review Date: July 2017

Pending Prosecution or Criminal Conviction Policy for enrolled students.

This Policy should be read in conjunction with the Criminal Convictions Background Screening Policy: Students, and the Student Disciplinary Procedure.

1. Introduction

To safeguard students, staff and vulnerable people, all students are required at enrolment to disclose any cautions, reprimands, warnings, criminal convictions or prosecutions pending. Procedures for dealing with any disclosures are set out in the Criminal Convictions Background Screening Policy: Students.

To help identify any current students involved in criminal activity, the student declaration / consent on the College enrolment form also states that the student must inform Colchester Institute of any prosecutions pending or convictions received whilst an enrolled student. It is confirmed that failure to do so may lead to disciplinary action.

2. Student Self Discloses

If a student discloses to a member of staff that they have a prosecution pending or a criminal conviction the staff member ask the student to complete Appendix 2 which should be sent to the Student Services and Support Co-ordinator for further action as described in paragraph 4.

3. Conviction / Prosecution Identified by a member of staff

If a member of staff becomes aware of a student with a criminal conviction or prosecution pending this should be referred to the Student Services and Support Co-ordinator or the Assistant Principal: Student Services and Support to be followed up.

This could be as a result of disclosure through safeguarding procedures; notification through an external agency (including Police, Probation Services and Social Services); or as a result of a report by the media.

4. Resulting Action

The Student Services And Support Co-ordinator will issue Appendices 1 & 2 to the student to obtain further information about the nature of the offence.

The Student Services And Support Co-ordinator will liaise with the Assistant Principal: Student Services and Support to determine whether this represents a risk to other students, staff or other vulnerable people - including visitors and people the student may be in contact with in work placements.

If the student does not respond, or fails to disclose, then action will be taken by the relevant Faculty Director or Head of Area under the Student Disciplinary Procedure.

Resulting Action will be either:

No or Low Risk Identified – Appendix 3 completed and retained by Student Services And Support Co-ordinator, no further action

Medium Risk Identified – Appendix 3 will be completed and a risk assessment carried out by the relevant Faculty Director or Head of Area, Appendix 4

Significant Risk Identified – Action will be taken by the Faculty Director under the Student Disciplinary Procedure

Risk Unclear – Referred to Admissions Review Panel to agree the level of Risk and subsequent action.

5. Communication of Policy

Students will be informed of this policy through the enrolment process, Student Services Induction and in printed information issued at enrolment.

This Policy will be posted on the Portal for access by all.

Private and Confidential

Dear Student

Declaration of Criminal Convictions

Whilst enrolled as a student at Colchester Institute you are required to disclose any cautions, reprimands, warnings, criminal convictions or any prosecutions pending received either prior to or during your time as a student at the College. If you are found not to have revealed a criminal conviction you may be excluded from Colchester Institute premises through the Student Disciplinary Procedure.

Please complete the enclosed form. If you do not return the completed form your enrolment may be terminated.

The Rehabilitation of Offenders Act 1974 enables criminal convictions to become 'spent' after a rehabilitation period. Spent convictions are not considered to be relevant and you are not required to reveal them unless you are on a course which involves working with children or vulnerable adults. In this case all students are required to undertake a Disclosure and Barring Service check which you would have been advised about during your application process.

Relevant criminal convictions are only those convictions for offences against the person, whether of a violent or sexual nature, and convictions for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.

You will only be contacted regarding your disclosure if a further Risk Assessment is required.

If you have any queries or concerns please contact me on 01206 712311

Yours sincerely

Sis Paveley
Student Services and Support Co-ordinator

Disclosure of Criminal Convictions

Student Number	
Name	
DOB	
Course Code	
Course Title	

In order to establish suitability for you to remain on your course, we require you to declare if your offence was:

A	Against the person, whether of a violent or sexual nature.	YES	NO
B	A conviction for offences involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking	YES	NO
C	Do you have any pending court cases?	YES	NO

If you answer NO to A, B and C please sign and return the form to the Student Experience Co-ordinator in the enclosed envelope.

You are required to provide further details on the back page.

Date Of Conviction/s	
Details Please include specific information regarding the offence.	
What was the outcome? ie: Caution, reprimand, sentence	
What was the Sentence? ie: Duration, probation order, suspension	
Are you still working with the Youth Offending Team or probation service?	If so please provide the name and contact details of your probation / Youth Offending Team Officer and sign to give us your authority to contact them for clarification
Sign and date	Signature Date

Please return to the Student Services and Support Co-ordinator in the enclosed envelope.

Disclosure of Criminal Convictions Monitoring Form

Student Number	
Name	
DOB	
Course Code	
Course Title	

Tracking	Dates and Details
Declaration Form Sent	
Declaration Form Returned	
Risk Assessment Completed	
Submitted to Admission Panel Review	
Applicant/Student Notified	

Risk	Action	Signed	Date
Low	No Further Action		
Medium	Applicant/Student continues, Risk Assessment to be completed and submitted to an Admission Review Panel		
High	Complete Risk Assessment form and pass to member of CE for immediate action		

Disclosure of Criminal Convictions Risk Assessment Form

Issues to be considered	Comments
Will the nature of the course present any temptations for the student to re-offend?	
Does the student offer any mitigating circumstances concerning past offences(s)?	
Who is potentially at risk? (<i>students, staff, public</i>)	
Safeguards available to guard against offending whilst at college (<i>supervision, reviews, partnerships</i>)	
<p>Assessment Recommendation for Student to remain on enrolled course</p> <p style="text-align: center;">YES NO</p> <p>If no state reasons:</p> <hr/> <p>Admission Panel Review (if required)</p> <p>Recommendation confirmed: YES NO</p> <p>If no state reasons:</p> <p>Signed:</p> <p>Chair Admission Panel Review</p> <p>Date:</p>	