



APPLICANTS WITH CRIMINAL CONVICTIONS

MISSION STATEMENT

Holy Cross, founded by the Daughters of the Cross, is a Catholic Sixth Form College and University Centre, which exists to provide a high quality education within a community based on Gospel values. The College provides the opportunity for each person spiritually, morally and intellectually and welcomes students and staff of all faiths

1. INTRODUCTION

All applicants are required to make a disclosure in relation to any criminal convictions they have (both spent or unspent). Having a criminal record will not necessarily bar applicants from becoming a student. However, a risk assessment will be necessary to ensure Holy Cross 6th Form College and University Centre (HC&UC) meets its safeguarding responsibilities in relation to children and vulnerable adults, considers the risk to the HC&UC community and makes an appropriate assessment in relation to the personal qualities and professional standards expected. Assessment of disclosure forms part of the admissions process and can affect whether or not the University Centre (UC) will offer a place.

2. PRINCIPLES

In considering applications with criminal convictions, the UC will:

- a. Operate a transparent process giving feedback to applicants;
- b. Operate fairly and responsibly having due regard to the Rehabilitation of Offenders Act;
- c. Maintain applicant confidentiality within the boundaries identified in this document;
- d. Ensure decisions taken are consistent and proportionate;
- e. Ensure compliance with legal and professional requirements for which HC&UC has responsibility;
- f. Provide a fair and transparent appeals procedure.

3. DECLARATIONS

- a. All students are required to inform the UC of any criminal investigations or convictions obtained before or whilst at the UC so that a risk assessment can be undertaken. The first opportunity to disclose is during initial advice.
- b. Failure to make a declaration at the initial advice or application stage, or subsequently, or making a false or incomplete declaration in relation to criminal convictions may invalidate an application and/or lead to expulsion from the UC.
- c. Students should be made aware at initial advice that criminal behaviour resulting in a conviction (before or during their time at HC&UC) may result in suspension or expulsion from the UC.
- d. In-course disclosures in relation to criminal convictions are required to be made, as soon as they occur, in writing to the Director of the University Centre.

4. PROCESS

When an applicant has indicated that they have a prior criminal conviction at their Initial Advice Appointment, the following process will be followed.

1. The UC will initially determine whether to make an offer on academic grounds without reference to or consideration of any criminal convictions. However, where an applicant has indicated that they have a criminal conviction, the application process will be suspended until an assessment of risk has been made.
2. Where the UC wishes to make an offer on academic grounds, applicants who have indicated they have a criminal conviction will be invited to make a full disclosure of the details of any convictions and to forward this confidentially in writing to the Director of the University Centre.
3. The Director of the University Centre will convene a Panel to consider the disclosure and make an assessment of risk.
4. The Panel will comprise at least three senior staff from HC&UC including the designated safeguarding lead (DSL) or their designated representative as well as the Director of the University Centre or their designated representative who will chair the panel.
5. In considering the disclosure, the Panel will have regard to:
 - a. The seriousness of the offence, including any aggravating factors, and its relevance to the safety of other students, staff and the public;
 - b. The period which has elapsed since the offence was committed;
 - c. The pattern of offending;
 - d. The age at which the offence occurred;
 - e. Information provided by the applicant as to the personal circumstances prevailing at the time of the offence and any evidence of remorse/motivation for change;
 - f. If appropriate, information provided by relevant external agencies, following an applicant's data protection consent (agreeing to the sharing of sensitive personal data).
6. Where Panel members agree that the risk to the College community can be managed with no further action, the applicant will be informed, the offer of a place will be confirmed, and the suspension lifted. Such agreement may be reached by circulation of documents to Panel members and subsequent e-mail correspondence.
7. Where Panel members have concerns about the level of risk to be managed or where there is disagreement amongst Panel members, the applicant will be invited to attend a meeting of the Panel to discuss the position in detail. Applicants may bring a friend or supporter to the meeting, but the Panel will expect the applicant to speak on his/her own behalf.
8. Following consideration of the case a Panel may decide:
 - a. That the risk can be managed with no further action;
 - b. That the risk can be managed but that restrictions on the applicant should be applied;
 - c. That the risk cannot be reasonably managed, and the application should be rejected.
9. Decisions of the Panel and supporting factors will be recorded and stored by the Director of the University Centre. Once an enrolment (or other relevant) decision has been made, Disclosure information will not be kept for longer than is necessary. This is generally for a period of up to six months following the commencement of a course of study to allow for the consideration and resolution of any disputes or complaints. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will be in place. Once the retention period has

elapsed, any Disclosure information will be destroyed by shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). The UC will not keep any photocopy or other image (electronic or otherwise) of the Disclosure or any copy or representation of the contents of a Disclosure. However, the Director of the University Centre will keep a record of:

- a. the date of issue of a Disclosure;
- b. the name of the subject;
- c. the type of Disclosure;
- d. and the details of the decision taken.

10. Applicants will be notified of the decision of the Panel in writing within seven working days from the date of the meeting.
11. Where an application has been rejected, or has had restrictions imposed in relation to the disclosure, a review may be requested if the applicant believes the decision of the Panel is disproportionate; that maladministration has occurred or if the applicant has new evidence that, for good reason, was not made available to the Panel.
12. Requests for review should be lodged in writing to the Principal within seven working days of receipt of the letter informing the applicant of the rejection / restriction.
13. Reviews will be undertaken by the Principal (or nominee) and the Director of the University Centre (or nominee) who may make such further investigations as s/he deems necessary.
14. The purpose of a review is to check that due process has been followed and that, having regard to the individual merits that apply to each case, outcomes are broadly consistent. Where substantial new evidence is provided there will be further consultation with the DSL.
15. The outcome of the review will be notified to the applicant within ten working days of receipt of the request for review.
16. The decision of the Principal (or nominee) and the Director of the University Centre (or nominee) in relation to the review will be final.