



Appendix A: Criminal Convictions and the Risk Assessment Panel

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1. Purpose and content

- 1.1 The purpose of this appendix is to provide a clear set of guidelines to applicants, parent/carers, students and staff regarding the declaration of criminal convictions and safeguarding risk assessment panels, including their role in the admissions process.
- 1.2 UCQ's Safeguarding Policy has been developed in line with statutory guidance. The Policy applies to all students and all staff (including agency and hourly paid staff) irrespective of anyone's position or role within UCQ, together with the Academic Council and any workers who are at UCQ on a voluntary/placement/other professional basis.
- 1.3 The term 'staff' is used throughout this appendix as a generic term that encompasses all groups of workers as outlined in the paragraph above.

2. Criminal convictions and safeguarding risks

2.1 Student applications

- 2.1.1 UCQ has a duty to safeguard all those in our community. As part of this duty we require all prospective students to declare whether they have any unspent criminal convictions on their application form. Applicants for courses that will involve a placement working with children and/or vulnerable adults are required to confirm whether they have any criminal convictions that have not been filtered under the Rehabilitation of Offenders (ROA) Act 1974 (Exceptions) Order 1975 (as amended in 2013). Applicants are also required to declare where they are subject to court-ordered restrictions such as a Sexual Harm Prevention Order.

2.1.2 Unspent criminal convictions

Simple cautions, reprimands and final warnings are spent immediately, which means applicants will not need to declare these to UCQ. Conditional cautions are spent after three months.

2.1.3 Spent criminal convictions

The length of time it will take for a criminal record to be spent will depend on:

- The disposal or sentence the applicant received
- The applicant's age at the time of the conviction

If an applicant is unsure whether their conviction is spent, they can contact [Nacro's Criminal Record Support](#) Service for advice on 0300 123 1999 or helpline@nacro.org.uk

- 2.1.4 Applicants who declare they have convictions will be provided with a standard UCQ form to provide details of the offence/s, the date the offence/s was committed and the circumstances arising at the time/s.
- 2.1.5 Applicants will also be provided with a letter (SA-004) that explains why UCQ is asking for the information and the risk assessment process that will be undertaken. Disclosures will be treated confidentially and placed in a sealed envelope and passed directly to the Designated Safeguarding Lead (DSL) who will log the information. In the majority of cases, the disclosure will be taken by a DSL.

- 2.1.6 The DSL, in conjunction with the Strategic Safeguarding Lead, will review the disclosure and make one of the following judgements:
- Green:** The offence/s disclosed is judged to have no implications for safeguarding within the UCQ community or others in any placement the student may undertake as part of their programme.
- Amber:** The offence/s disclosed is judged to have no implications for safeguarding within the UCQ community, however, there may be some placement considerations (e.g. due to issues such as a history of theft).
- Red:** The offence/s disclosed is significant (e.g. sexual offences and those involving violence, terrorism and the supply of drugs) and is judged to have implications for safeguarding within the UCQ community or others in any placement the student may undertake as part of their programme.
- 2.1.7 Where a 'Green' rating has been applied the applicant will be informed at the application stage or by the course team at the enrolment stage, that they can progress to the next stage of the application/enrolment stage as appropriate.
- 2.1.8 Where an 'Amber' rating has been applied the applicant will be informed at the application stage or by the course team at the enrolment stage, that they can progress to the next stage of the application/enrolment stage as appropriate but they may be provided with appropriate IAG by the course team and the relevant head of department will review, and may amend, planned placements.
- 2.1.9 Where a 'Red' rating has been applied, the DSL, or Strategic Safeguarding Lead in their absence, will invoke a safeguarding risk assessment panel and will chair the panel. The panel will involve the relevant DSL and another appropriate manager. Written records of the risk assessment panel and outcomes will be maintained by the DSL.
- 2.1.10 The DSL, or Strategic Safeguarding Lead in their absence, will inform the applicant of the outcome of the safeguarding risk assessment panel. This may be verbally or, where appropriate, by letter.

2.2 Other circumstances

- 2.2.1 UCQ reserves the right to conduct a risk assessment on any applicant or any student at any time. Risk assessment panels may be invoked by the DSL, or the Strategic Safeguarding Lead in their absence, when an applicant has already been made an unconditional or conditional offer of a place on a course and when students are already on course. This may be in response to a range of circumstances including information on a Disclosure and Barring Service (DBS) certificate that was not disclosed at the application/enrolment stage and information received from social services, the police and other relevant agencies or organisations.

3. Risk assessment panel outcomes

3.1 The risk assessment panel will determine whether:

- a) An applicant should be:
 - offered an unconditional place
 - offered a conditional place and what those conditions should be
 - refused a place at UCQ
- b) An offer of a place on a course that has already been made to an applicant will:
 - be upheld with no conditions
 - have identified conditions applied
 - be withdrawn
- c) A student who is already on a course:
 - can continue, with no conditions
 - can continue, subject to identified conditions
 - will be withdrawn

3.2 If the outcome is that an applicant is refused a place at UCQ, an offer of a place to an applicant is withdrawn or a student on programme is withdrawn, the decision will be communicated in writing to the applicant or student. This letter will be copied to the parent/carer for a student under the age of 18.

4. Timescales

4.1 An initial review will be carried out within two working days of the information being received. Subsequent timescales will be dependent on a range of factors including the potential need to obtain further information from external sources (e.g. social services or previous educational providers) but the process will be carried out in a timely manner to resolve application/enrolment status at the earliest possible opportunity. Please note a student already on programme may be suspended during this process.

5. Appeals

5.1 Applicants who have been refused a place at UCQ or have had an offer of a place withdrawn; and students on programme who have been withdrawn due to a safeguarding risk assessment panel, may appeal against this decision. Appeals should follow UCQs' Appeals Procedure (AC-001).

5.2 For the purposes of this Policy, an appeal is defined as a request for a formal review of the outcome of a safeguarding risk assessment panel. The appellant may appeal a decision regarding the outcome of the panel if they feel that the panel was not conducted in accordance with this Policy or that the decision did not take account of the available evidence or was unreasonable, given the evidence available. In making an application for an appeal, the appellant must state on which of these grounds the appeal is being made.