STUDENT RISK ASSESSMENT
(CRIMINAL CONVICTIONS) POLICY

Introduction to the Policy

Leicester College actively promotes equality of opportunity for all and welcomes applications from a wide range of applicants including those with criminal records. Student Risk Assessment, which sits within the Safeguarding framework, is an important part of the Admissions process for all prospective students at Leicester College. The purpose of Risk Assessment is to identify and assess any applicant whose known behaviour or record of offences indicates that they may be a risk to themselves, other students, staff, visitors or the College environment. Student Risk Assessment is one way in which the College works to provide a safe and inclusive environment.

As part of the College’s Student Application and Risk Assessment procedures, students are required to declare if they have an unspent criminal record, any pending matters including court hearings, or if they are charged with any criminal offence either at application stage or during their course. Students applying for a course that involves a work placement with vulnerable groups are required to disclose ‘spent’ and ‘unspent’ convictions, cautions, warnings, reprimands and final warnings which would not be filtered in line with current guidance.

Safeguarding Policy Umbrella

Leicester College has a statutory and moral duty to ensure that the College functions in accordance with its safeguarding responsibilities and in promoting the welfare of children and vulnerable adults receiving education and training at the College. The Risk Assessment Policy and procedures sit within the College’s Safeguarding framework and Policy, and are subject to safeguarding requirements at all time.

Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012
On 1st May 2012, the Legal Aid, Sentencing and Punishment of Offenders Bill, 2012 received Royal Ascent and became an Act of Law. The Act contains a number of new measures to protect the public and reduce re-offending it introduces a wide range of reforms to the Justice system.

The Government tabled a new clause to the Bill to reform the 1974 Rehabilitation of Offenders Act in two key ways. The first key change is extending the scope of the Act to cover custodial sentences of up to 48 months, and the second is to change the length of some of the rehabilitation periods (in most cases by reducing them). This is now referred to as Section 139 of the 2012 Act. Most of the new rehabilitation periods will start from the date on which the sentence is completed, not as current from the date the sentence was imposed. The new rehabilitation periods will apply retrospectively to cover those who have already been convicted and cautioned, although no convictions that are already ‘spent’ will become ‘unspent’ under the new arrangements.

The measures are:

- Reforming the Rehabilitation of Offenders Act to help ex-offenders reintegrate in to society after their sentences
- Creating a new youth remand and sentencing structure, which gives more flexibility to courts to decide on appropriate disposals
- Giving prosecutors the right to appeal against bail decisions when the think the defendant could be dangerous and may flee the country
- Creating a tough new sentencing regime to replace the inconsistent use of Imprisonment for Public Protection (IPP) sentence
- Doubling to 30 years the starting point for sentenced for murders motivated by hate on grounds of disability or transgender – in line with other hate crimes.

**The Offender Rehabilitation Bill 2012**

On the 9th May 2012, the Offender Rehabilitation Bill was introduced to the House of Lords; The Bill will transform the way that offenders are managed in the community. The Bill looks to address a reduction in the rates of offending, whilst keeping public safety paramount. A new public sector National Probation Service will be created, working to protect the public and building upon expertise and professionalism which are already in place.
The key aspects are:

- For the first time in history, every offender released from custody will receive statutory supervision and rehabilitation – currently those sentenced to less than 12 months in custody do not receive supervision.
- The Bill increases support and supervision upon release for those serving a sentence of less than two years, and give greater flexibility in the delivery of community orders, and suspended sentence orders.
- The Bill also expands the potential use of post-release conditions to combat drug misuse, to include; drug appointments requirement, expanding the scope of drug testing after release to include Class B drugs.

**Protection of Freedoms Act 2012**

The Protection of Freedoms Bill is now an Act of Law and came in to force on the 1st May 2012. The Act is broken down in to 7 parts. Part 5 of the Act relates to the changes with the Criminal Records Bureau (DBS) and Independent Safeguarding Authority (ISA).

The Vetting and Barring scheme was set up in 2009 to monitor those wanting to work with children or vulnerable adults. However, it has been criticised for being too bureaucratic and too restrictive.

Under the new Act the DBS and ISA has merged to form the Disclosure and Barring Service; providing a more streamlined checking service, scaling back checks to the 4.5million people who work ‘closely and regularly’ with children and vulnerable adults, the vetting of teachers will continue but those who do occasional, supervised volunteer work will not need checks. The definition of Regulated Activity changed as did the categories of people who now fall within the definition of Regulated Activity – Adults, and Children.

Legislation introducing a new filtering mechanism to restrict the disclosure of old and minor convictions came in to force on 29th May 2013. This followed a Court of Appeal ruling in January 2013 that the current mandatory and blanket disclosure of all cautions and convictions on a DBS Certificate was incompatible with Article 8 of the Convention of Human Rights. The Home Office and DBS have been working together to develop a set of filtering rules, which means that certain old and minor convictions and cautions will no longer be disclosed on the DBS certificate. For more information, see the Disclosure and Barring Service Policy or speak to the Risk Assessment.
### Section 139 of the 2012 LASPO

**Rehabilitation of Offenders (Exceptions) Order 1974**

**Rehabilitation Periods – Adults**

*(Source Unlock 2014)*

<table>
<thead>
<tr>
<th>Sentence – Adult (18+) when convicted</th>
<th>Current period</th>
<th>New period</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison (1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 4 years</td>
<td>Never</td>
<td>Never</td>
<td></td>
</tr>
<tr>
<td>More than 30 months and less than (or equal to) 4 years</td>
<td>Never</td>
<td>Sentence + 7 years</td>
<td>(2)</td>
</tr>
<tr>
<td>More than 6 months and less than (or equal to) 30 months</td>
<td>10 years</td>
<td>Sentence + 4 years</td>
<td>(3)</td>
</tr>
<tr>
<td>Less than (or equal to) 6 months</td>
<td>7 years</td>
<td>Sentence + 2 years</td>
<td>(4)</td>
</tr>
<tr>
<td>Sentence of detention (over 6 months but not exceeding 30 months)</td>
<td>7 years</td>
<td>As prison sentences</td>
<td>(5)</td>
</tr>
<tr>
<td>Sentence of detention (6 months or under)</td>
<td>5 years</td>
<td>As prison sentences</td>
<td></td>
</tr>
<tr>
<td>Removal from Her Majesty's Service</td>
<td>7 years</td>
<td>1 year</td>
<td>(6)</td>
</tr>
<tr>
<td>Service detention</td>
<td>5 years</td>
<td>1 year</td>
<td>(7)</td>
</tr>
<tr>
<td>Community order</td>
<td>5 years</td>
<td>12 months</td>
<td>(10)</td>
</tr>
<tr>
<td>Fine</td>
<td>5 years</td>
<td>1 year</td>
<td>(8)</td>
</tr>
<tr>
<td>Compensation order</td>
<td>Once paid in full</td>
<td>Once paid in full</td>
<td>(9)</td>
</tr>
<tr>
<td>Hospital order</td>
<td>Longer of 5 years / 2 years after the order ceases to have effect</td>
<td>End of the order (12)</td>
<td>(13)</td>
</tr>
<tr>
<td>Conditional discharge, binding over, care order, supervision order, reception order</td>
<td>Longer of 1 year after making of order, or 1 year after it ends</td>
<td>End of the order (12)</td>
<td></td>
</tr>
<tr>
<td>Absolute discharge</td>
<td>6 months</td>
<td>Spent immediately</td>
<td></td>
</tr>
<tr>
<td>Disqualification</td>
<td>End of disqualification</td>
<td>End of disqualification</td>
<td></td>
</tr>
<tr>
<td>Relevant order</td>
<td>End of the order</td>
<td>End of the order (12)</td>
<td></td>
</tr>
<tr>
<td>Conditional cautions</td>
<td>Once conditions end</td>
<td>Once conditions end</td>
<td></td>
</tr>
<tr>
<td>Caution, warning, reprimand</td>
<td>None</td>
<td>None</td>
<td>(14)</td>
</tr>
</tbody>
</table>
### Rehabilitation Periods – Under 18

<table>
<thead>
<tr>
<th>Sentence – Under 18 when convicted</th>
<th>Current period</th>
<th>New period</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prison</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 4 years</td>
<td>Never</td>
<td>Never</td>
<td></td>
</tr>
<tr>
<td>More than 30 months and less than (or equal to) 4 years</td>
<td>Never</td>
<td>Sentence + 3.5 years</td>
<td>(2)</td>
</tr>
<tr>
<td>More than 6 months and less than (or equal to) 30 months</td>
<td>5 years</td>
<td>Sentence + 2 years</td>
<td>(3)</td>
</tr>
<tr>
<td>Less than (or equal to) 6 months</td>
<td>3.5 years</td>
<td>Sentence + 18 months</td>
<td>(4)</td>
</tr>
<tr>
<td>Detention and Training Order (over 6 months)</td>
<td>5 years (15+ at conviction) or 1 year after order ceases (12-14)</td>
<td>As prison sentences</td>
<td></td>
</tr>
<tr>
<td>Detention and Training Order (6 months or less)</td>
<td>3.5 yrs (15+ at conviction) or 1 year after order ceases (12-14)</td>
<td>As prison sentences</td>
<td></td>
</tr>
<tr>
<td>Sentence of detention (over 6 months but not exceeding 30 months)</td>
<td>5 years</td>
<td>As prison sentences</td>
<td>(5)</td>
</tr>
<tr>
<td>Sentence of detention (6 months or under)</td>
<td>18 months</td>
<td>As prison sentences</td>
<td></td>
</tr>
<tr>
<td>Removal from Her Majesty’s service</td>
<td>3.5 years</td>
<td>6 months</td>
<td>(6)</td>
</tr>
<tr>
<td>Service detention</td>
<td>2.5 years</td>
<td>6 months</td>
<td>(7)</td>
</tr>
<tr>
<td>Community order</td>
<td>2.5 years</td>
<td>6 months</td>
<td>(10)</td>
</tr>
<tr>
<td>Youth Rehabilitation Order</td>
<td>Longer of 1 year / end of the order</td>
<td>6 months</td>
<td>(11)</td>
</tr>
<tr>
<td>Fine</td>
<td>2.5 years</td>
<td>6 months</td>
<td>(8)</td>
</tr>
<tr>
<td>Compensation order</td>
<td>Once paid in full</td>
<td>Once paid in full</td>
<td></td>
</tr>
<tr>
<td>Hospital order</td>
<td>Longer of 5 years / 2 years after the order ceases to have effect</td>
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<tr>
<td>Disqualification</td>
<td>End of disqualification</td>
<td>End of disqualification</td>
<td></td>
</tr>
<tr>
<td>Relevant order</td>
<td>End of the order</td>
<td>End of the order</td>
<td>(12)</td>
</tr>
<tr>
<td>Conditional cautions</td>
<td>Once conditions end</td>
<td>Once conditions end</td>
<td></td>
</tr>
<tr>
<td>Youth caution, warning, reprimand</td>
<td>None</td>
<td>None</td>
<td>(14)</td>
</tr>
</tbody>
</table>

**Notes about the tables**

If a sentence/disposal is not covered in the table above, under the changes it has no rehabilitation period and becomes spent immediately (unless it is attached to another sentence/disposal which does have a rehabilitation period).

1. The term ‘prison’ includes suspended prison sentences, youth custody, and detention in a young offender institution or corrective training.
2. From the day on which the sentence (including any license period) is completed.
3. From the day on which the sentence (including any license period) is completed.
4. From the day on which the sentence (including any license period) is completed.
5. Passed under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 206 of the Criminal Procedure (Scotland) Act 1975
6. Starting from the date of conviction relating to the sentence.
7. Starting from the day on which the sentence is completed.
8. From the date of conviction.
9. The date on which the payment is made in full.
10. From the end of the order. This period starts from the last day of when the order given by the court has effect. Where no such date is provided, the rehabilitation period for the order is 2 years, starting from the date of conviction.
11. From the last day on which the order is to have effect.
12. The day provided for by or under the order as the last day on which the order has effect.
14. Spent as soon as issued.

RISK ASSESSMENT PROCEDURE

1. Purpose

1.1 The Policy aims to be equitable to all applicants and to meet the Legal Obligations of the Rehabilitation of Offenders Act 1974 and (Exceptions) Order 1975, whilst ensuring compliance of the Data Protection Legislation. Leicester College has a Legal obligation known as ‘Duty of Care’ to do everything reasonable to provide a safe and secure environment for all its students, staff and visitors; the student Risk Assessment Process is an important part of this. Students with *unspent convictions are obliged to declare at the point of application and this forms part of these Risk Assessment Procedures and as part of our Admissions Policy and Procedures.

*Under the Exceptions Order 1975 there are exempted positions; students on courses where an enhanced disclosure check is required must disclose their complete criminal record, including spent convictions, reprimands, final warnings and cautions which would not be filtered in line with current guidance. These will be dealt with according to the Protection of Freedom Act 2012 Filtering rules.

1.2 The purpose of Risk Assessment is to identify and assess any applicant whose declared record of offences indicates they could be a risk to themselves, other students, staff, visitors or the College environment. Student Risk Assessment is one way in which the College works to provide a safe and inclusive environment for all people within the College.

1.3 The College has a very large student population and it is not practical to risk assess all students. However, in terms of managing potential risk, it is appropriate to risk assess the following groups of students who are asked to declare at the application and enrolment stages.
For students declaring previous conviction:

- full-time students
- part-time students that will be studying on site
- Students studying at Outreach sites in Leicester
- All higher education students who have disclosed a previous conviction on the UCAS form
- Students on School Links programmes
- All individual referrals from The Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company Limited, the National Probation Service, the Youth Offending Service, APEX, MAPPA (Multi Agency Public Protection Arrangement) or MAPPOM (Multi Agency Prolific and other Priority Offender Management), Secure facilities, Prison’s and Looked After Children Service
- Any student who is referred by staff known or suspected to have convictions
- Students who have had a positive Enhanced DBS Disclosure, for more details on the DBS process, refer to the ‘Students Enhanced DBS Disclosure Procedure’
- Where a student presents with identified mental health needs, or where a student has a history of mental health difficulties and convictions, the Mental Health team may be involved in the Risk Assessment procedure
- Assessing behavioural difficulties is not part of the Risk Assessment process, but where significant behavioural difficulties have contributed to a criminal record, will be assessed as part of the risk assessment.

1.4 Students applying to the College are required to declare on the College’s application form, and there is an opportunity at enrolment for students coming straight to enrol. The intention is that, where possible, students go through the Risk Assessment procedure before starting on a course. The Risk Assessment Team writes to the student, enclosing a blank Declaration of Previous Convictions form (Annex 1) and pre-paid envelop, accompanying the form is an Information sheet that explains the Risk Assessment process.

The form asks the applicant to declare any previous/current convictions which are not spent, unless the course involves a work placement with vulnerable groups, including; pending matters as there can sometimes be bail conditions that affect attendance at the College, custodial’s, Orders, ISSP’s (Intensive Supervision and Surveillance Programme) and DTTO’s (Drug Treatment and Testing Order) and any other criminal conviction. ASBO’s are dealt with by the Civil, not criminal courts unless it is breached and becomes a criminal matter.

In deciding whether a prospective student poses a risk for a specific programme of study, the Risk Assessment Team will consider each applicant’s individual circumstances in a fair and objective way. For pending matters, these will be dealt with
as part of the Risk Assessment process. If a person is found not guilty, or charges are dropped, all information relating to this will be destroyed and removed from any records.

Where applicable we obtain risk references from agencies such as the Youth Offending Service, The Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company Limited, the National Probation Service, MAPPA, Occupational therapist Key Workers, LAC service etc.

The team also tracks previous applicants known to the team, and if their offence is not classed as ‘spent’ when they re-apply, they will be written to again and asked if their situation has changed.

1.5 Students are generally given a maximum of two chances to formally ‘declare’. Timescales are usually **one week** from the date on the letter to return the completed Declaration form to the Risk Assessment team. The process is a mandatory part of the College’s Admissions and Risk Assessment Policies, failure to comply can result applications being withdrawn.

1.6 The College reserves the right to refuse a place to a learner without a Risk Assessment where the level of risk identified in information provided by an agency such as the Youth Offending Service, The Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company Limited, the National Probation Service, the Public Protection Team, or similar, is deemed so high that it cannot be accommodated within the College environment. These circumstances may be because of the risk of harm to other users of the College, to themselves, or to the physical environment. Sometimes there are also specific Conditions attached to Orders that prevent a person from attending an FE College. If a person’s risk reduces, or conditions are removed, the situation would be reassessed.

2. **Student Risk Assessment Procedures**

2.1 If a Risk Assessment is required, the Team writes to the person with an interview date and time. In addition, an Interview Information sheet is also enclosed. Students can bring someone for support, for example their Connexions worker, Offender Manager, Youth Offending Worker, or parents/guardians. It would not be suitable to bring a legal representative.

2.2 Students are given a maximum of two Risk Assessment appointments. Failure to attend could result in their application being withdrawn, or if they are enrolled, being withdrawn from their course. We always try to leave withdrawing a student as the last option, but we always have to balance potential risk and this process.
2.3 It is important to note; a student may be cleared to attend College, but might not be able to study on their chosen course because of the nature of the offence (particularly applies to offences in relation to courses with work placements). If this is the case, the student would normally be informed at the interview. We liaise with relevant staff and every effort is always made to place a student on a more suitable course.

2.4 The types of information which would normally be required, in order to make a fair assessment of the applicant’s suitability to attend a course are:

- A description of the previous offences, one-off/prolific, degree of planning, gang/individual, weapons/racism, vulnerability of the victim, drugs/alcohol, location, committed against staff
- The persons age at the time and how long ago the offence/s were
- Was it an isolated incident, or part of a pattern
- If appropriate, rehabilitation work (supervision) with an agency
- Background of the student, including family support
- The applicant’s current behaviour and conduct since the offence/s
- What they are currently doing i.e. work, voluntary work, training, looking for work
- The type of environmental factors which might exacerbate the condition or behaviour, mental health, substance misuse, medication, peer group influence, involvement with other agencies, previous education history
- As part of our SLA and ISA with agencies, where relevant we will obtain a risk and support reference from; The Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company Limited, the National Probation Service, Public Protection Team, or the Youth Offending Service requesting the level of risk on a number of areas; details on the work they did with them and whether they would support their application to College
- For more complex cases, we also speak to Psychiatrists / Specialists, Doctor’s, Key Workers, LAC. We have links with the Police, and MAPPA; MAPPA support the assessment and management of the most serious sexual and violent offenders.
- Requirements of the course i.e. Full time/ Part time, location, size of classes, type of students i.e. disabilities, work placement, level of course, campus
- Relevance of conviction to the requirements above
- What else is known of the persons conduct before or since the offence
- Support i.e. Learning Mentor, Counselling, Mental Health, Inclusion and Disability
- Disclosure to tutor/ CAM/Support
- Conditions of a place at College may be given.

2.5 We obtain consent to contact agencies at the Declaration and interview stages, but it is usually obtained as part of the Interview process. The reference is an important part of
the process for establishing identified risk, levels of engagement, mental health, substance misuse, the nature of the supervision, whether support may be required. Risk Assessment data is classed as ‘sensitive data’ and as such is treated with additional data protection safeguards, information will only be shared with relevant staff on a need to know basis. All students are made aware of how their data is handled, stored and retained.

2.6 There are four possible outcomes from a Risk Assessment which include:

- Acceptance (this could also include transferring to another course)
- Acceptance with Conditions or support
- Refusal, this is usually because of an assessed high risk of harm
- Deferred.

2.7 Following a Risk Assessment after all the information is obtained, a recommendation is made by the Risk Assessment Manager. The Risk Assessment Manager will meet with the Head of Student Services, where the case and decision will be presented for approval or review. If the recommendation is agreed, the applicant will receive written confirmation of the outcome of the Risk Assessment. If the decision is not agreed, further information or interview could be asked for.

2.8 It is important to note that during a course of study, an individual’s circumstances may change. The College reserves the right to conduct a Risk Assessment on any student at any time if it is found the student has previous or current convictions they have failed to disclose.

2.9 The flowchart summarises the Risk Assessment process, not including Point 1.6 where a student’s risk is deemed too high and the application or enrolment is withdrawn with immediate effect:

Risk Assessment Procedure Flow Chart over-leaf.
RISK ASSESSMENT PROCESS FLOW CHART

College Application Form or UCAS form is completed or referral from the NPS or CRC, Youth Offending, PPT (Multi Agency Public Protection Arrangement) secure facilities, Prison, Looked after Children Service, or the student has re-offended.

↓

Declaration of Previous Convictions form is sent for completion

↓

Declaration form returned. The applicant (or student) is invited to a Risk Assessment interviews a result of:

↓

Declaring previous convictions
Re-offending

Referral from DBS, if not declared or non-disclosure of an offence/s in a previous Risk Assessment

Concerns about previous history including convictions linked to drugs, alcohol, mental health difficulties, and any pending convictions/ Conditions of Bail

A referral from external agency / member of staff

↓

Risk Assessment team gathers and completes relevant information / references as appropriate

↓

Risk Assessment Manager completes the assessment with recommendation, will also recommend support / Conditions (if appropriate), or withdrawal from a course or the College, or transferring the student to another course

↓

HOSS agrees recommendation / further information is obtained

↓

Cleared / Refused - Appeal to Deputy Principal, Finance & Corporate Services.

↓

Conditions applied and monitored/ referred for support.

↓

Team tracks future applications/enrolments
3. **Link between Risk Assessment and Disclosure and Barring Service**

3.1 The Disclosure and Barring Service carries out criminal record checks for specific positions included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. There is an Annex list of Positions, Professions, Employment, Offices and Works available on the DEB website; ‘A guide to eligibility for criminal records checks’.

3.2 Prospective students will be informed through the College’s course information and Admissions process if the course they are applying for is subject to an Enhanced DBS Disclosure, this will usually be where as part of the course they will be required to attend a work placement with vulnerable groups. Students will also be informed at their course interview about Disclosure and DBS checks.

3.3 Students whose course is subject to an Enhanced DBS Disclosure, are required to declare on the main application form, or at enrolment ‘spent’ and ‘unspent’ convictions, including reprimands, final warnings and cautions which would not be filtered in line with current guidance. The Risk Assessment team will then write to the student for formal disclosure and the student may need a Risk Assessment.

3.4 Students who have been identified through the DBS process who have not disclosed their criminal record will be written to and required to attend a Risk Assessment.

3.5 For details on the full DBS referral process, refer to the Curriculum and Programme Team Sharepoint site, or contact the team directly on ext. 5536 / 5538.

4. **REEN / Skills Booster programmes**

4.1 Students applying for a reengagement programme that require a Risk Assessment cannot start the programme without clearance from the Risk Assessment Team.

4.2 Applicants for Skills Booster programmes are required to complete a Declaration form at the enquiry stage, the skills booster admin liaises with the Risk Assessment team who give a provisional answer whether the applicant can continue on the programme pending the a Risk Assessment, if required.

5. **School Links**
5.1 Pre-16’s attending college on School Links Programmes are required to disclose unspent convictions at interview stage on the application form, or through the provider. Risk Assessments are covered in 14-16 Policy.

6. Confidentiality

6.1 The information collected during the Risk Assessment process will normally only be available to the staff listed below; staff outside the Risk Assessment Team will only have access if it is pertinent to the students support to share Risk Assessment information. There may be occasions where it is also necessary to share Risk Assessment information with curriculum staff, and support staff. This would usually happen when a conviction/s may affect a course involving a work placement, or where conditions or support are applied to their place at the College. There may also be the need to share Risk Assessment information with external agencies such as the Youth Offending Service, The Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company Limited, the National Probation Service, the Public Protection Team, Mental Health providers, or any place that is supporting or working with the student where there is a need to know.

6.2 A significant amount of collaborative work is done with external agencies to support people applying to college, and who subsequently attend college, who have criminal records. In order to ensure that we maintain confidentiality, and adhere to relevant laws and processes, we have Information Sharing Agreements (ISA) or Service Level Agreements (SLA).

6.3 Risk Assessment information is stored securely at all times in non-portable locked cabinets with restricted access in accordance with the Data Protection Act, the Rehabilitation of Offenders (Exceptions) Order 1974, College data retention requirements, and as part of requirements in the SLA. In addition to the ISA’s, all learners sign a Declaration Statement acknowledging and agreeing to the Risk Assessment team contacting agencies in line with their studies at the College.

6.4 Following a Risk Assessment, relevant information gathered regarding a student’s safety and care can be made available to security, curriculum, and support staff who may be working 1:1 with the student, or where this will assist with the support of the student. It may be appropriate where ‘Conditions’ are applied that these are also shared with the campus security staff, teaching and support staff.
7. **Appeals**

7.1 Applicants who have been refused a place at College as a result of a Risk Assessment may appeal against this decision by writing **within 14 days from the date on the letter** to the Deputy Principal, Finance & Corporate Services. The Deputy Principal, Finance & Corporate Services will consider each individual case and confirm his decision to the applicant in writing.

8. **Keeping of data**

8.1 In line with College academic record data keeping procedures, all Student Risk Assessment records will be kept on file for 10 years. Risk Assessment data is classed as ‘sensitive’ data, the files will be kept separately, in a non-portable locked filing cabinet, and stored under the management of the Risk Assessment Team. All electronic data is kept separately in a secure file location.

8.2 Students are informed in writing what their data is used for, why we use their data; how it is stored, shared and how long we retain it for.

**For more information contact:**

Risk Assessment Manager. Sophie Robinson. Ext. 2601 or direct line 0116 224 2225

Risk Assessment Administrator: Ruth Holland. Ext. 2138 or direct line 0116 224 2138

Head of Student Services: David Jackson. Ext. 2226 or direct line 0116 224 2226

Deputy Principal, Finance & Corporate Services: Shabir Ismail
## Risk Assessment and Admissions Policy

(Declaration of Previous/Current Convictions)

Risk Assessment aims to be equitable to all applicants and to meet the legal obligations of the Rehabilitation of Offenders Act 1974 (as amended) 2013; the Data Protection Act 1998; and the Human Rights Act 1998. Risk Assessment sits within the College’s Safeguarding framework and works to ensure learners, staff and visitors are protected from potential harm. Applicants/Learners are required to declare if they have any “spent” convictions, including:

- custodials, including suspended sentences
- Orders (SS, DTO, DTTO, YRO, Curfew, Rehabilitation)
- Supervision (Youth Offending or Probation)
- Licence requirements
- Pending matters; if on Bail including Bail Conditions

*Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended 2013), there are a number of posts, activities and occupations which are exempt from the Rehabilitation of Offenders Act 1974. If you are applying, or have enrolled on a course where a work placement with young/vulnerable people is included, you are required to declare both “spent” and “unspent” cautions and convictions – other than “protected” cautions and convictions which have qualified for filtering. If you are unsure whether your conviction is “spent”, or are unsure about whether your convictions are “protected”, contact the Risk Assessment Team on 0116 224 2225.

Information on this form will not necessarily prevent you from studying at the College; however, if you have unspent convictions that you fail to disclose you may be refused a place or removed from your course. There may be an occasion where a previous conviction prevents you from doing the course of your choice, but we will discuss this with you in full and offer a course alternative.

### Please complete all of the following in full.

<table>
<thead>
<tr>
<th>Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Date of Birth:</td>
</tr>
<tr>
<td>Course applied for:</td>
</tr>
</tbody>
</table>

### Write in the box below details of your criminal record: Please provide as much detail as possible, or we may ask you to fill the form in again. I.e. You must include details of your offences, including the dates they happened, and what you were convicted of and when.

<table>
<thead>
<tr>
<th>Name of your Offender Manager; or Youth Offending Worker</th>
</tr>
</thead>
<tbody>
<tr>
<td>and if you have a Social Worker/Key Worker or Drugs Worker,</td>
</tr>
</tbody>
</table>

### Telephone number and agency for named contact above:

<table>
<thead>
<tr>
<th>Learner Declaration Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>I agree to Leicester College processing data contained on this form as part of the Risk Assessment process, required in connection with my studies at Leicester College. I agree to and understand to Leicester College contacting Agencies, including The Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company Limited, Youth Offending Service, National Probation Service or the Public Protection Team that I currently have contact with, and/or, have had contact with in the past to gain relevant information relating to my *unspent convictions, and any possible risk that may be associated with my studies, or affecting other learners, staff or visitors at Leicester College.</td>
</tr>
</tbody>
</table>

| I certify this information is correct and have read and understand the Declaration. (Please note, if you submit information that is not correct, you may be refused a place or asked to leave the course.) |

| Signed: | Date: |

| If someone else has provided information on this sheet on your behalf, please print their name and job title in the space below. |

| Name: | Job Title: |

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Student Risk Assessment Team • 0116 224 2225/2138 • Mobile 07717 557 864

Return to: Risk Assessment Team, Freemens’s Park Campus, Room 504