



# Ada, National College for Digital Skills

## Criminal Convictions Policy

Version	Purpose / Changes	Author	Date
1	Initial draft	Ryan Manning	23/08/2023
2			
3			
4			
5			

<b>Date Approved:</b>	10 October 2023	23 April 2024
<b>Approved By:</b>	Education Committee	Board
<b>Executive Lead:</b>	Principal	
<b>Document Owner:</b>	Head of Learner Services, DSL	
<b>Review due:</b>	June 2027	

## **Criminal Convictions Policy**

### **1. Purpose**

Ada, the National College for Digital Skills aims to provide a supportive and positive environment for learning and teaching. It is committed to ensuring that the rights of individuals are respected and that each person is treated with dignity, respect and courtesy at all times.

The purpose of this policy is to ensure that applicants and current students who have relevant criminal convictions to declare (see section 4) are treated consistently and equitably and in accordance with the Rehabilitation of Offenders Act 1974.

It is necessary for Ada to collect information on certain unspent criminal convictions for applicants and students. This is to ensure that students with unspent criminal convictions are given every opportunity to benefit from the programmes that Ada offers, while maintaining a safe and secure environment for all its students, staff and visitors.

Convictions that are spent (as defined by the Rehabilitation of Offenders Act 1974) are not to be considered relevant except where the programme or course involves a work placement that is 'exempt' from the Rehabilitation of Offenders Act 1974 and requires a Criminal Record Check through the Disclosure and Barring Service (formerly the Criminal Records Bureau). For these programmes or courses, applicants and learners will be required to disclose spent criminal convictions and to undertake [enhanced/enhanced with barred list] DBS checks. If spent offences are required to be disclosed, this will always be indicated.

In general, a criminal record is not to be regarded as an obstacle to attending Ada if the applicant has achieved all the other criteria that would otherwise mean they would be able to enrol onto their programme/course. However, this will depend on the course applied for, the nature of the crime and the circumstances and background of the offence(s). Ada reserves the right to refuse to admit applicants if it is deemed that their criminal record makes it inappropriate for them to be admitted/attend.

### **2. Scope**

This Policy and Procedure applies to all applicants and students, including during enrolment, irrespective of mode, location of study or age.

### **3. Policy Statement**

Subject to entry criteria for certain professional programmes, applicants are not automatically refused access to our programmes for which they are academically suited on the grounds of criminal convictions, unless Ada determines that their admission, enrolment or presence poses a risk to:

- their health, safety or welfare or that of others
- Ada property;
- Ada's reputation; and/or
- the applicants success on their programme and future career, or where Ada is unable to reasonably manage their attendance.

#### **4. Disclosing Relevant Unspent Criminal Conviction**

Where applicants and students are applying for or attending a programme or for a course involving a work placement that is 'exempt' from the Rehabilitation of Offenders Act 1974 they are required to disclose relevant unspent criminal convictions using the Criminal Records Disclosure form issued by the Admissions Team. An unspent conviction describes any criminal conviction that an individual is still in the rehabilitation process for, or that will stay on the criminal record. Any unspent convictions which are not protected will show up on all forms of DBS checks (i.e. eligible for filtering). Referral Orders become spent, so will not have to be disclosed unless covered by an exception to the Rehabilitation of Offenders Act 1974.

For all our courses, relevant unspent criminal convictions are those convictions of one or more of the following:

- Any conviction that results in a prison sentence of more than two and a half years or involves a violent or sexual crime.
- Offences concerned with violent or threatening behaviour or the causing of physical or mental harm to others, whether or not such harm was intended or actually caused
- Possession of an offensive weapon, or a knife, or a bladed/pointed article
- Possession of an acid or a corrosive substance to cause injury to a person
- Possession of Controlled Drug /illegal substances
- Sexual offences, including those listed in the Sexual Offences Act 2003
- Theft: robbery, burglary and going equipped to steal or commit burglary with intent to steal
- Unlawful supply of controlled drugs or substances including dealing or trafficking offences
- Offences concerned with harassment, stalking or malicious communications
- Offences involving firearms

- Any “hate crime” as defined by the Crown Prosecution Service (<https://www.cps.gov.uk/hate-crime>)
- Arson
- Offences involving terrorism
- Fraud and related offences, such as market abuse and counterfeiting
- Any criminal convictions or equivalent imposed outside the UK which meet the above criteria AND any subsisting restrictions imposed as a result of any criminal conviction which may affect the applicant’s ability to meet the course requirements.

It is the responsibility of a student to disclose any relevant unspent criminal convictions whilst attending Ada, due to the presence of children on the London Victoria campus within our Sixth Form. If any relevant unspent criminal convictions are disclosed, or come to Ada’s attention whilst a student is on programme, the Criminal Conviction Procedure will be followed (see section 8). Failure to disclose a relevant unspent criminal conviction may result in a suspension of a student, in accordance with Ada’s Behaviour and Disciplinary Policy and Procedures.

## **5. Disclosing Spent Criminal Convictions**

If applicants are unsure about how to provide the information requested, support can be provided by contacting Nacro's Criminal Record Support Service on 0300 123 1999 or [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)

## **6. False Declarations**

Ada may amend or withdraw the offer of a place at any time if it determines that an applicant or student has made any misleading, false or fraudulent application or statement to Ada, or has produced falsified documents, regarding any relevant criminal convictions as part of an application.

## **7. Criminal Convictions Procedure**

### **Applicants wishing to enrol on a course**

If a relevant criminal conviction is disclosed (or comes to Ada’s attention) during the application or enrolment process, it will only be considered if the applicant has met the stated course entry criteria. If the application is unsuccessful, no further action is taken in connection to the disclosed criminal conviction.

If the applicant discloses a relevant criminal conviction, they will be asked to complete a Criminal Conviction Disclosure Form and will be required to attend a Criminal Conviction Referral Meeting. The application will not be processed until the necessary stages of this procedure have been completed as set out below. Failure to provide the required documentation concerning the disclosed conviction will result in a rejection of the application.

### **Students enrolled and attending a course**

It is the responsibility of a student studying at Ada to disclose any relevant unspent criminal convictions. If a relevant criminal conviction is disclosed (or comes to Ada's attention) the student concerned will be asked to complete a Criminal Conviction Disclosure Form and to attend a Criminal Conviction Referral Meeting.

### **Criminal Conviction Referral Meeting**

A Criminal Conviction Referral Meeting will be held within 5 working days of the receipt of the disclosure and conducted normally by the DSL and/or a DDSL.

The aim of the Criminal Conviction Referral Meeting is to assess the risk the applicant/student presents to Ada staff and students and discuss how the applicant can be supported on their course. The suspected risk will be assessed on an individual basis and take the following factors into consideration:

- Whether the conviction is relevant to the course / programme applied for
- Whether the spent or unspent conviction would prevent the completion of any relevant work placement
- The seriousness of any offence revealed
- The age of the applicant / student at the time of the offence(s)
- The length of time since the offence(s) occurred
- Whether the applicant / student has a pattern of offending behaviour
- The circumstances surrounding the offence(s), and the explanation(s) offered by the Applicant or Student concerned and whether the applicant's/student's circumstances have changed since the offending behaviour
- Evidence submitted of their good character.

The Criminal Conviction Referral Meeting will have one of two outcomes:

### **Outcome 1**

The applicant is able to enrol, but the enrolment may include conditions connected to it or conditions that must be complied with during attendance of the student while attending Ada.

## **Outcome 2**

The case is deemed sufficient to be considered by the Criminal Conviction Panel for the following reasons:

- a) The applicant/student is assessed as posing a high and possibly unacceptable level of risk based on the criteria set out in the policy statement
- b) The relevant criminal conviction is deemed serious, ambiguous or complex
- c) The criminal conviction would prevent attendance on the mandatory work Placement

The outcome of the Criminal Conviction Referral Meeting will be communicated in writing to the Applicant or Student within 5 working days.

## **8 The Criminal Conviction Panel (the Panel)**

The applicant/student will be notified if a Criminal Conviction Panel will be convened to consider their non-academic suitability for an enrolment or continued attendance at Ada. The Admissions team and DSL will make arrangements for the Panel to meet and to receive the original application/disclosure and any additional information provided by the applicant/student.

The Panel will normally comprise of the Principal (Sixth Form) and/or Dean (Apprenticeships), and/or DSL and, where appropriate an Admissions representative.

The purpose of the Panel is to consider whether the applicant/student poses an unacceptable risk to Ada and its staff and students.

The Panel will meet virtually or in person as soon as is practicably possible, normally no later than 14 days, after the information has been received from the Criminal Conviction Referral meeting. The Applicant or Student concerned will be offered the opportunity to make verbal or written representations to the Panel. The Applicant or Student may be accompanied by a friend or fellow student but will not be permitted to be accompanied by a legal representative.

The Panel Meeting will have one of two outcomes:

## **Outcome 1**

The applicant is permitted to enrol, but the enrolment may include conditions connected to the enrolment or conditions that must be complied with during attendance of the student at Ada.

## **Outcome 2**

That the application offer to the Applicant is withdrawn or the Student is excluded from Ada.

Failure to meet any conditions as a result of an Outcome 1 decision will be referred to the Behaviour and Disciplinary Policy and Procedure.

The outcome of the Criminal Conviction Panel will be communicated in writing to the Applicant or Student within 5 working days.

## **Criminal Conviction Appeals Process**

An applicant/student may appeal against a decision of the Criminal Conviction Panel on one or more of the following grounds:

- Procedural irregularity, where it is alleged Ada did not adhere to its procedures
- Extenuating circumstances, where there is information that was not considered by the panel which may either alter the decision.

If an applicant/student wishes to appeal against a decision of the Panel, he/she/they must submit a written appeal to the relevant Principal/Dean within 10 working days of receipt of the Panel's decision. Support is available, if required, from the safeguarding team.

The Principal/Dean will consider the evidence presented at the Criminal Conviction Panel and may request additional information, including information from members of the Criminal Conviction Panel. The Principal/Dean will consider the grounds of the appeal and any accompanying information provided and invite the Applicant or Student to make any further representations. The Principal/Dean will consider the information presented and representations made and determine the appeal. The decision of the appeals process will be final.

## **10. Privacy Statement**

The information that is provided by the applicant/student will be held and processed in line with the Data Protection Act 2018, GDPR, and subsequent legislation. Details of the implementation of

this can be found in the Ada GDPR policy and Privacy Policy for students. These policies can be found on our [website](#).

The information will be used by Ada to assess the suitability for the programme that the applicant/student has applied for or is enrolled on.

Ada may need to request further information or seek approval to contact external bodies, for example, the Probation Service, Support Workers.

All records relating to criminal convictions will be kept securely by Ada with necessary details on the safeguarding system for a period of seven years post enrolment. For those applicants who are not offered a place or enrolled, records will be held securely and permanently deleted after six months.

If you are not sure whether you need to disclose your conviction when applying to Ada, please contact the Admissions Team or [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk).



## CRIMINAL CONVICTION DISCLOSURE FORM

Name:

Age on 31 August 2023:

Contact Telephone Number:

Email:

D.O.B:

Student ID No:

Please complete the following details:

For all our courses we ask applicants to disclose relevant convictions which are not yet spent under the Rehabilitation of Offenders Act 1974. If you are not sure whether your conviction(s) are spent, please contact Nacro for further advice.

1. Do you have any relevant unspent convictions?    YES    NO

If you have answered YES to question 1, please provide details of your criminal conviction(s) in the space below:

To the best of my knowledge, I have provided accurate information and understand that if any relevant undisclosed information is made available to the college during my studies, disciplinary action may be taken and my place at the college may be withdrawn.

Date:

Signed:

***You will sign a copy of this form when you enrol.***