



# Declaration of Criminal Convictions Risk Assessment Policy and Procedure for Students and Prospective Students

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## POLICY AND PROCEDURE

1. This Policy applies to all new applicants and existing students of the New College of Humanities (NCH). This Policy and Procedure has been written using guidance from [Supporting Professionals in Admissions](#) and the [QAA UK Quality Code: Admissions, Recruitment and Widening Access](#), ensuring that the College is being fair and transparent to all applicants or students who go through the process.

## INTRODUCTION

2. The College aims to provide a supportive and positive environment for work and study. It values the contributions of all staff and students. 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.
3. While promoting equality of opportunity, the College has a responsibility to provide a safe environment for its staff and students. To this end, all new offer holders and existing College students are required to declare any relevant unspent criminal convictions or pending court cases for violent, sexual, drug related or other serious offences which include firearms, arson or terrorism which may pose a risk to the College, its staff or student community. Further information about spent and unspent convictions can be found [here](#) (as these time limits may be subject to change applicants should satisfy themselves that they are complying with current requirements).
4. This procedure involves consideration of the College's duty of care to staff and students and its commitment to individual human rights, the right to an education and the right not to be discriminated against as protected under the Rehabilitation of Offenders Act 1974. All cases will be considered on an individual basis and in a fair and equitable manner.
5. In accordance with the 1974 Rehabilitation of Offenders Act, the following guidelines and procedures should be followed by all new offer holders and students declaring a relevant criminal conviction that has not been spent (note, this procedure will also apply to those who have failed to declare a conviction but are found to have one). In applying these procedures, the

College will be observing the rehabilitation periods as set out in Section 5 of the Act and, as a consequence, any convictions that are regarded as spent will be ignored.

6. All relevant information relating to a disclosure of a criminal conviction will be retained by the Head of Quality Assurance. In accordance with College policy, such records will be kept for 13 months after the student has completed their studies or left the College.
7. In the case of the College receiving information, regarding an offer holder or student having an undeclared unspent criminal conviction, from members of the public; School or College; family; other applicants/students or anonymously, the information will be handled carefully and with great caution. If the information regarding the nature of the criminal conviction is significant enough to withdraw an offer or withdraw the student from their programme, the College will contact the offer holder/student and investigate the allegation. The allegation must be confirmed by a third party, such as an external verifier. If the information is found to be correct, then the procedure outlined below will be followed.

### **CRIMINAL CONVICTION RISK ASSESSMENT PROCEDURES - OFFER HOLDERS**

8. On receipt of a declaration form with the criminal conviction box ticked, admissions staff will inform the Head of Admissions. The Head of Admissions will establish if the criminal conviction box has been ticked in error.
  - 8.1. If the box has been ticked in **error** and the offer holder does not have a relevant criminal conviction, this assurance must be gained in writing, for audit trails purposes, and to amend their record, the offer can be processed in the normal way.
  - 8.2. If the box has **not** been ticked in error, the Head of Admissions will send a copy of this policy and procedure, a letter (**ANNEX 1**) and a declaration form (**ANNEX 3**) to the offer holder that will be returned directly to the College's Head of Quality Assurance.
9. On receipt of the completed declaration form, the Head of Quality Assurance will begin the procedure for dealing with offer holders with criminal convictions.

### **STAGE 1: RECEIPT OF A DECLARATION OF A CRIMINAL CONVICTION FORM**

10. On receipt of the Declaration of a Criminal Conviction Form, the Head of Quality Assurance will review the document and deem whether the offence(s) is unspent and relevant. If the conviction is unspent and relevant the procedure will commence. Minor offences are not relevant and will be disregarded at this stage and the offer will be progressed.
11. If a conviction is thought to be relevant and unspent (see paragraph 10), the Head of Quality Assurance will proceed to Stage 2.

### **STAGE 2: CRIMINAL CONVICTIONS RISK ASSESSMENT GROUP**

12. The Head of Quality Assurance will set up a Criminal Convictions Risk Assessment Group (CCRAG) of relevant staff and provide advice on the case. The CCRAG will comprise of the following:

- 12.1. Executive Dean (Chair)
- 12.2. Head of Faculty (or an appropriate representative)
- 12.3. Student Wellbeing Coordinator
- 12.4. Head of Quality Assurance (Secretary)
13. The Chair of the CCRAG is entitled to co-op other members to the group, such as academic representatives from the offer holder's minor programme and NCH Diploma, on a case by case basis.
14. The CCRAG has responsibility for deciding if an offer is withdrawn from an offer holder who has declared a relevant criminal conviction. All cases will be considered on an individual basis. The CCRAG will treat all applicants and students in a fair and equitable manner.
15. The following factors will also be taken into consideration in order to consider risk:
  - 15.1. The nature of the offence and if this has any bearing on the offer holder's suitability to be a member of the student body (e.g. violent, sexual or drug related crimes).
  - 15.2. The length of time since the offence was committed.
  - 15.3. The age of the offer holder when the offence was committed.
  - 15.4. The type/nature of the offence and is it a concern regarding the safeguarding of students and faculty.
  - 15.5. If there has been a history of repeat offending.
  - 15.6. Any mitigating circumstances which significantly impacted upon the offer holder at the time the offence was committed.
16. The Head of Quality Assurance will have the responsibility for giving advice on the nature of the offence and for obtaining supporting information from authorities identified by the offer holder.
17. The CCRAG will be able to take the following actions:
  - 17.1. Suspend the procedure to gather more information and then reconvene the procedure.
  - 17.2. Withdraw the offer on the basis that the risk posed to students and staff is significant and cannot be properly managed.
  - 17.3. Continue with the offer, without conditions relating to the conviction.
  - 17.4. Establish certain conditions in order to manage an acceptable level of risk.
18. In such circumstances when a condition is required, the offer holder will be notified in writing, normally within 10 working days, and will be required to accept the conditions in writing, within 10 working days of receipt of the letter. The offer holder will also be made aware that certain members of the College community may need to be informed in order to enforce such conditions.

19. When it is decided that an offer is to be withdrawn on the basis of the criminal conviction declared, the student will be notified in writing, normally within 10 working days, and will be made aware of the appeals procedure.
20. The CCRAAG may also defer a decision where it is felt that more information is required in order to conclude the process. In such circumstances, the Head of Quality Assurance will be tasked with gathering further information including contacting the offer holder in the first instance. Expert knowledge is not normally required, but could be sought to advise the group, if helpful. The Head of Quality Assurance and the CCRAAG will endeavour to keep any delay to a minimum throughout the procedure.

### **APPEALS**

21. An offer holder may appeal against the decision of the CCRAAG as follows:
  - 21.1. Where an offer has been withdrawn.
  - 21.2. Where an offer has been made subject to a condition and the applicant feels that the condition is unfair or disproportionate.
  - 21.3. Where the Declaration of a Criminal Conviction procedure has not been followed.
22. The offer holder should appeal in writing against the decision within 10 working days of receipt of the CCRAAG decision and should establish the grounds of their appeal providing new substantial evidence that they wish to be considered. Where the offer holder is to gather evidence from a source from which a response in 10 working days may be unlikely (e.g. governmental body or probation service), the offer holder should inform the Head of Quality Assurance of the potential delay and an extension should be granted.

### **STAGE 3: APPEAL**

23. On receipt of the appeal letter and evidence, the Chair of the CCRAAG will review the submitted documentation and decide whether the evidence submitted is new and substantial.
24. If the evidence submitted is considered not to be new or substantial, the offer holder will be informed by writing, within 10 working days of the receipt of the appeal letter. This will be the end of the appeal stage.
25. If the Chair of the CCRAAG deems the evidence to be new, substantial and appropriate to the case, the appeal will proceed.
26. At this Stage the Appeal Panel will be comprised of the original CCRAAG (see paragraph 15), which will have an opportunity to reconsider its decision in the light of the new information.
27. The Appeal Panel will have the following options available:
  - 27.1. To overturn the original decision and reinstate the offer or allowed to continue studying.
  - 27.2. To overturn the original decision and make an offer subject to certain conditions.
  - 27.3. To reduce or amend conditions.

- 27.4. To uphold the original decision.
28. The offer holder will be notified of the Appeal Panel's decision in writing within 10 working days. In cases other than when the original decision has been overturned, the offer holder should also be made aware of the Stage 4 (Final Appeals Panel) of the Procedure.

**STAGE 4: FINAL APPEAL**

29. The offer holder will have the opportunity to pursue a Stage 4 Final Appeal. The Stage 4 Final Appeal Panel will be comprised of senior members of the College who have not previously been involved in the original decision-making process and will involve a meeting of the new Panel. The Head of Quality Assurance will be responsible for organising the Final Appeal Panel.
30. The Final Appeal Panel will be comprised of the following staff:
- 30.1. Chair of the TESL Board as Chair of the Panel
  - 30.2. Master of the College
  - 30.3. Chief Operating Officer
31. The offer holder will be invited by the Head of Quality Assurance to attend the Stage 4 Final Appeal Panel, giving them an opportunity to make their appeal in person. The offer holder will have the opportunity to be accompanied by a family member or friend. The offer holder should provide details of this companion to the Chair of the Final Appeal Panel prior to five days of the hearing date.
32. Where the offer holder does not wish to attend in person, written representation may be provided. Written representations and further evidence must be provided five working days before the hearing date.
33. The offer holder will be given 10 working days' notice of the hearing date. The offer holder may seek to have the hearing date changed in cases where they can show good cause (e.g. work commitments, previous engagements etc.).
34. The offer holder should notify the Head of Quality Assurance of the reasons for their non-attendance if they wish to request a new hearing date; and an alternative mutually convenient date will be arranged as soon as possible. However, if the Chair of the Panel does not accept the reasons given or the applicant or student does not respond, the hearing will take place in their absence.
35. The findings of the Stage 3 Appeal and the original decision of the CCRAAG will be presented to the Final Appeal Panel by the Chair of the CCRAAG. The Chair of the Final Appeals Panel will notify the offer holder in writing within 15 working days of their decision. This decision is final.
36. The offer holder will receive a "Completion of Procedures" letter will include the dates of the procedures.
37. All relevant information relating to the disclosure of the criminal conviction will be retained by the Head of Quality Assurance. In accordance with College policy, such records will be kept for a period of 13 months after Final Appeal.

### **CRIMINAL CONVICTION RISK ASSESSMENT PROCEDURES - STUDENTS**

38. In the case of a student, they should inform the Student Wellbeing Coordinator (SWC) of their criminal conviction immediately. The SWC will pass the information to the Head of Quality Assurance, who will initiate this policy. The student's progress will be halted if they indicate that they have been convicted of a relevant criminal offence. The student will be provided with a copy of this policy and procedure, a letter (**ANNEX 2**) and "Declaration of Criminal Convictions Form" (**ANNEX 3**) to return to the Head of Quality Assurance.
39. In the event that an enrolment has been completed and it is subsequently discovered that a student has a criminal conviction that they did not declare, the Student Code of Conduct and Disciplinary Procedures will be followed. In such cases, the Head of Faculty will liaise with the Head of Quality Assurance in order to resolve the matter.
40. On receipt of the completed declaration form, the Head of Quality Assurance will begin the procedure for dealing with student with criminal convictions. The student should not attend college any college teaching or events, at the college, or off-site, while the procedure is in progress.

#### **STAGE 1: RECEIPT OF A DECLARATION OF A CRIMINAL CONVICTION FORM**

41. On receipt of the Declaration of a Criminal Conviction Form, the Head of Quality Assurance will review the document and deem whether the offence(s) is unspent and relevant. If the conviction is unspent and relevant the procedure will commence. Minor offences are not relevant and will be disregarded at this stage and the College application will be progressed or the student can continue with their studies.
42. If a conviction is thought to be relevant and unspent (see paragraph 45), the Head of Quality Assurance will proceed to Stage 2.

#### **STAGE 2: CRIMINAL CONVICTIONS RISK ASSESSMENT GROUP**

43. The Head of Quality Assurance will set up a Criminal Convictions Risk Assessment Group (CCRAG) of relevant staff and provide advice on the case. The CCRAG will comprise of the following:
  - 43.1. Executive Dean (Chair)
  - 43.2. Head of Faculty (or an appropriate representative)
  - 43.3. Student Wellbeing Coordinator
  - 43.4. Head of Quality Assurance (Secretary)
44. The Chair of the CCRAG is entitled to co-op other members to the group, such as academic representatives from the student's minor programme and NCH Diploma, on a case by case basis.
45. The CCRAG has responsibility for deciding if the student can continue on their programme of study, involves consideration of the College's duty of care to staff and students, its commitment to an individual's right to an education, and the right not to be discriminated against as protected under the Rehabilitation of Offenders Act 1974. All cases will be considered on an

individual basis. The CCRAAG will treat all applicants and students in a fair and equitable manner.

46. The following factors will also be taken into consideration in order to consider risk:
  - 46.1. The nature of the offence and if this has any bearing on the student's suitability to be a member of the student body (e.g. violent, sexual or drug related crimes).
  - 46.2. The length of time since the offence was committed.
  - 46.3. The age of the student when the offence was committed.
  - 46.4. The type/nature of the offence and is it a concern regarding the safeguarding of students and faculty.
  - 46.5. If there has been a history of repeat offending.
  - 46.6. Any mitigating circumstances which significantly impacted upon the student at the time the offence was committed.
47. The Head of Quality Assurance will have the responsibility for giving advice on the nature of the offence and for obtaining supporting information from authorities identified by the student.
48. The CCRAAG will be able to take the following actions:
  - 48.1. Suspend the procedure to gather more information and then reconvene the procedure.
  - 48.2. Refuse to allow the student to continue on their programme on the basis that the risk posed is significant and cannot be properly managed.
  - 48.3. Establish certain conditions in order to manage an acceptable level of risk.
49. In such circumstances when a condition is required, the student will be notified in writing, normally 10 working days, and will be required to accept the conditions in writing, within 10 working days of receipt of the letter. The student will also be made aware that certain members of the College community may need to be informed in order to enforce such conditions.
50. When it is decided that a student is to be withdrawn from their programme of study on the basis of the criminal conviction declared, the student will be notified in writing, normally within 10 working days, and will be made aware of the appeals procedure.
51. The CCRAAG may also defer a decision where it is felt that more information is required in order to conclude the process. In such circumstances, the Head of Quality Assurance will be tasked with gathering further information including contacting the student in the first instance. Expert knowledge is not normally required, but could be sought to advise the group, if helpful. The Head of Quality Assurance and the CCRAAG will endeavour to keep any delay to a minimum throughout the procedure.

### **APPEALS**

52. A student may appeal against the decision of the CCRAAG as follows:



- 52.1. Where a student has been withdrawn.
- 52.2. Where a student feels that the condition is unfair or disproportionate.
- 52.3. Where the Declaration of a Criminal Conviction procedure has not be followed.
- 53. The student should appeal in writing against the decision within 10 working days of receipt of the Criminal Convictions Risk Assessment Group's decision and should establish the grounds of their appeal providing new substantial evidence that they wish to be considered. Where the offer holder is to gather evidence from a source from which a response in 10 working days may be unlikely (e.g. governmental body or probation service), the offer holder should inform the Head of Quality Assurance of the potential delay and an extension should be granted.

### **STAGE 3: APPEAL**

- 54. On receipt of the appeal letter and evidence, the Chair of the CCRAG will review the submitted documentation and decide whether the evidence submitted is new and substantial.
- 55. If the evidence submitted is considered not to be new or substantial, the student will be informed by writing, within 10 working days of the receipt of the appeal letter. This will be the end of the appeal stage.
- 56. If the Chair of the CCRAG deems the evidence to be new, substantial and appropriate to the case, the appeal will proceed.
- 57. At this Stage the Appeal Panel will be comprised of the original CCRAG (see paragraph 15), which will have an opportunity to reconsider its decision in the light of the new information.
- 58. The Appeal Panel will have the following options available:
  - 58.1. To overturn the original decision and reinstate the offer or allowed to continue studying.
  - 58.2. To overturn the original decision and make an offer subject to certain conditions.
  - 58.3. To reduce or amend conditions.
  - 58.4. To uphold the original decision.
- 59. The student will be notified of the Appeal Panel's decision in writing as soon as possible. In cases other than when the original decision has been overturned, the student should also be made aware of the Stage 4 (Final Appeals Panel) of the Procedure.

### **STAGE 4: FINAL APPEAL**

- 60. The student will have the opportunity to pursue a Stage 4 Final Appeal. The Stage 4 Final Appeal Panel will be comprised of senior members of the College who have not previously been involved in the original decision-making process and will involve a meeting of the new Panel. The Head of Quality Assurance will be responsible for organising the Final Appeal Panel.
- 61. The Final Appeal Panel will be comprised of the following staff:
  - 61.1. Chair of the TESL Board as Chair of the Panel



61.2. Master of the College

61.3. Chief Operating Officer

62. The student will be invited by the Head of Quality Assurance to attend the Stage 4 Final Appeal Panel, giving them an opportunity to make their appeal in person. The student will have the opportunity to be accompanied by a family member or friend. The student should provide details of this companion to the Chair of the Final Appeal Panel prior to five days of the hearing date.
63. Where the student does not wish to attend in person, written representation may be provided. Written representations and further evidence must be provided five working days before the hearing date.
64. The student will be given 10 working days' notice of the hearing date. The student may seek to have the hearing date changed in cases where they can show good cause (e.g. work commitments, previous engagements etc.).
65. The student should notify the Head of Quality Assurance of the reasons for their non-attendance if they wish to request a new hearing date; and an alternative mutually convenient date will be arranged as soon as possible. However, if the Chair of the Panel does not accept the reasons given or the student does not respond, the hearing will take place in their absence.
66. The findings of the Stage 3 Appeal and the original decision of the CCRAAG will be presented to the Final Appeal Panel by the Chair of the CCRAAG. The Chair of the Final Appeals Panel will notify the applicant or student in writing within 15 working days of their decision. This decision is final.
67. The student will receive a "Completion of Procedures" letter will include the dates of the procedures. The letter<sup>1</sup> will also contain Office of Independent Adjudicators contact details and the precise date for the OIA deadline, should they wish to appeal the outcome.
68. All relevant information relating to the disclosure of the criminal conviction will be retained by the Head of Quality Assurance. In accordance with College policy, such records will be kept for a period of 13 months after Final Appeal.

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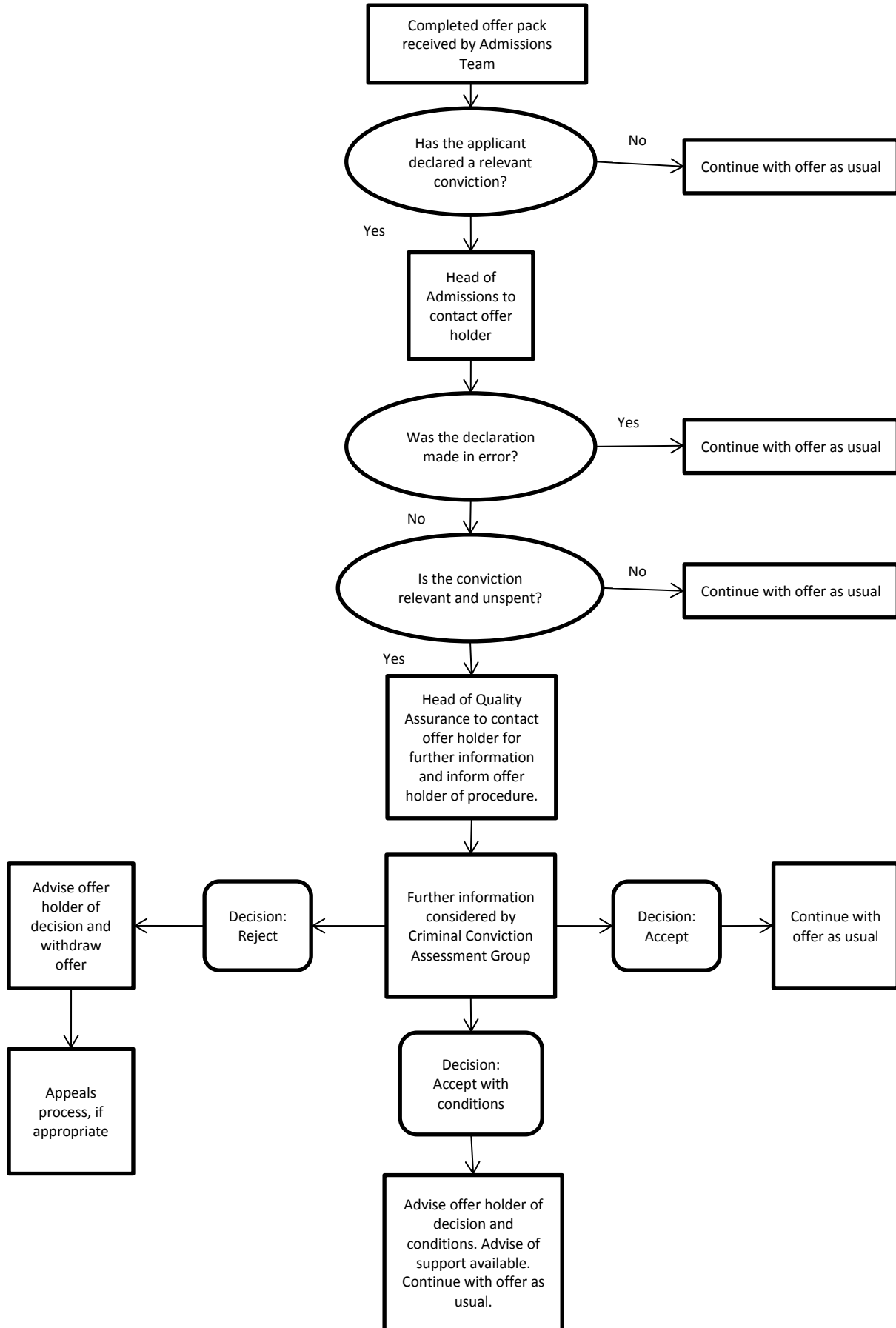
<sup>1</sup> The OIA do not review complaints from prospective students/applicants, therefore they are not entitled to progress their appeal to the OIA.

## DECLARATION OF CRIMINAL CONVICTIONS RISK ASSESSMENT PROCEDURE

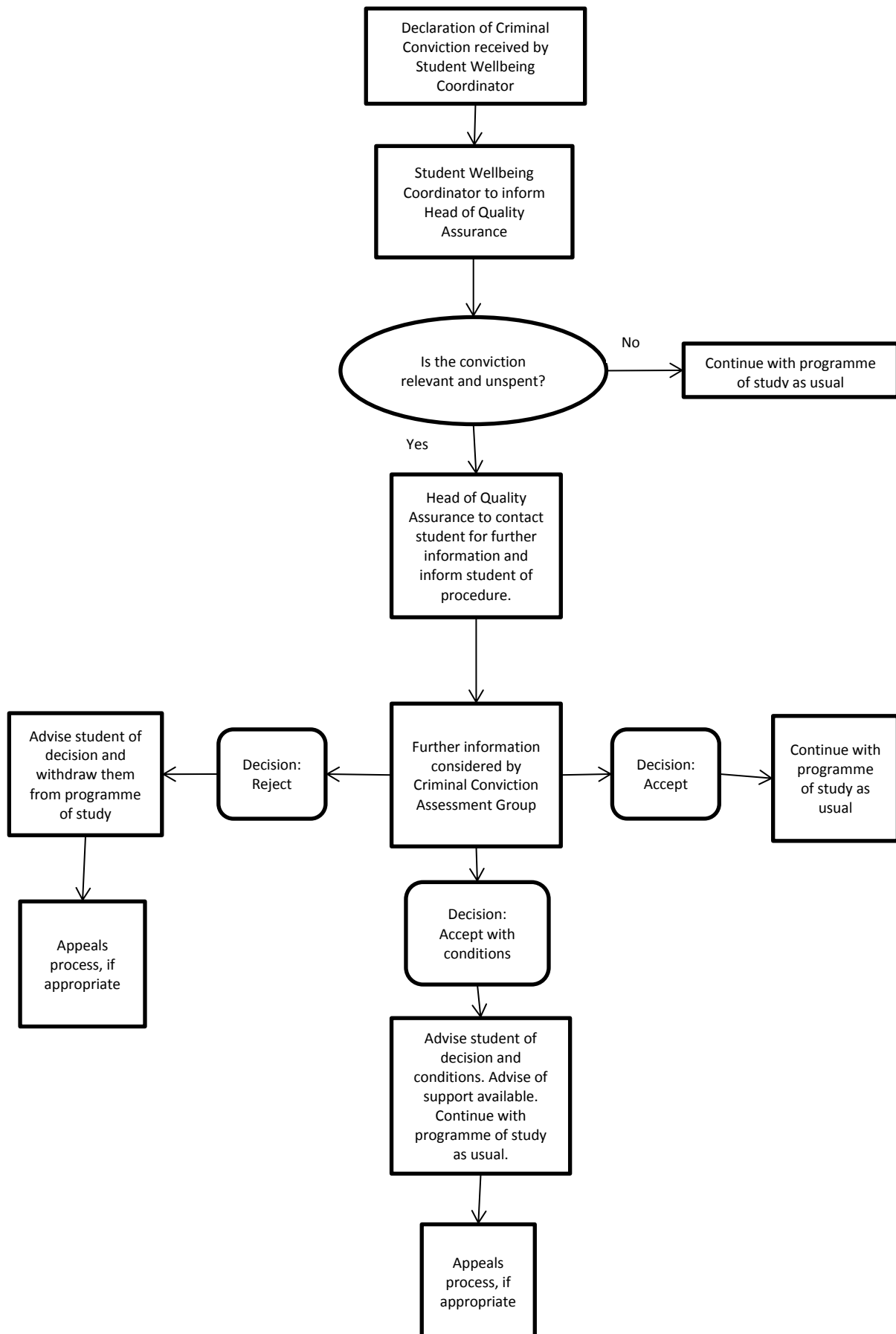
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Title	Declaration of Criminal Convictions Risk Assessment Procedure for Students and Prospective Students	Author	Head of Admissions
Location	NCH Academic Handbook	Approved by	Academic Board
Version	2.1	Last updated	August 2018
Publication date	November 2018	Review date	November 2020
Related policies	Student Code of Conduct and Disciplinary Procedures; Declaration of Criminal Conviction Form		
External Reference Point	UK Quality Code: Admissions, Recruitment and Widening Access; Supporting Professionals in Admissions; Ex-offenders and employment; Rehabilitation of Offenders Act 1974; Office of Independent Adjudicators		

OFFER HOLDERS



**SUMMARY OF DECLARATION OF CRIMINAL CONVICTION RISK ASSESSMENT PROCEDURE – STUDENTS**



**ANNEX 1**



Date:

PERSONAL

Dear [Offer holder]

Thank you for your completing the criminal conviction form in your offer pack. On your form you have indicated that you have a criminal conviction. In order to process your offer further, we must consider details of the nature of your offence(s) and your conviction(s).

I would be grateful, therefore, if you could provide details of the nature of your offence(s) and your conviction(s), by completing the enclosed Declaration of Criminal Conviction Form and return it to me by [date].

Please be assured that this information will be kept in the strictest confidence and will be passed only to College staff who are directly involved in determining the outcome of your College application, in accordance with the Data Protection Act 1998. Documentation relating to unsuccessful applicants will be retained for a period of 13 months.

Documentation relating to successful applicants will be retained for the duration of his/her study at the College, plus a period of an academic year.

Please do not hesitate to contact me should you have any questions regarding this process.

Yours sincerely

Rebecca Morrison BSc MSc SFHEA

Head of Quality Assurance

(e): [rebecca.morrison@nchlondon.ac.uk](mailto:rebecca.morrison@nchlondon.ac.uk)

## ANNEX 2



Date:

PERSONAL

Dear [Student]

Thank you for informing the College of your criminal conviction. In order to consider your suitability to continue on [programme], we must consider details of the nature of your offence(s) and your conviction(s).

I would be grateful, therefore, if you could provide details of the nature of your offence(s) and your conviction(s), by completing the enclosed Declaration of Criminal Conviction Form and return it to me by [date].

Please be assured that this information will be kept in the strictest confidence and will be passed only to College staff who are directly involved in determining the outcome of your progression to study, in accordance with the Data Protection Act 1998. If you are permitted to continue with your studies, the documentation relating to your case will be retained for the duration of your study at the College, plus a period of 13 months. It will be securely stored and only accessed by parties with genuine need of the information. If you are requested to withdraw from the programme due to the nature and severity of your criminal conviction, the documentation will be retained for 13 months and then securely destroyed.

Please do not hesitate to contact me should you have any questions regarding this process.

Yours sincerely

Rebecca Morrison BSc MSc SFHEA

Head of Quality Assurance

(e): [rebecca.morrison@nchlondon.ac.uk](mailto:rebecca.morrison@nchlondon.ac.uk)

**ANNEX 3**



**Declaration of Criminal Convictions**

Name	
Address	
Programme	
Date of birth	
UCAS no:	<i>(if applicable)</i>

Please list all unspent convictions as defined [here](#), together with details of the sentencing, sentence imposed, and sentence actually served. Please provide details of any Probation Services, Police Authorities, or Social Services that you are prepared for us to contact for further information.

Nature of conviction	Date of sentencing	Sentence imposed and served	Details of services involved
1.			
2.			
3.			
4.			

Continue on a separate sheet if necessary.

Please explain any mitigating circumstances, including any reflections on your actions that were considered by the court and that you wish the Criminal Convictions Risk Assessment Group to consider. Please also attach any letters of support that you have from Social Services, Probations Services, or other official body involved in your case.



DECLARATION OF CRIMINAL CONVICTIONS RISK ASSESSMENT PROCEDURE

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Signed:	
Dated:	