



Richmond upon  
Thames College

Policy Name: Police Involvement Policy

Policy Number/Version No:

Effective Date: July 2022

Review Date: July 2023

Policy Responsibility: Director of Student Experience

Approved By: Senior Leadership Team

For Action By: All College staff and students

For Information to: All College staff, students and  
parents/carers

## 1 Introduction

Richmond upon Thames College is dedicated to promoting our values of honesty, integrity, mutual respect and personal accountability to support our students in becoming fully rounded members of society with a strong sense of social and moral responsibility. We prepare our students for life in Modern Britain by developing an understanding of democracy, the rule of law, individual liberty, mutual respect and tolerance of those with different faiths and beliefs and this is reflected in our policies.

We have a duty of care to all our students, staff and visitors to ensure their safety and wellbeing and are committed to providing a caring, friendly and safe environment so learning can take place in a relaxed and secure atmosphere. For us to achieve this it is necessary to collect information of any unspent criminal convictions of all students (both applicants and enrolled). This is to ensure that students with unspent criminal convictions are afforded every opportunity to benefit from the courses the College offers, whilst maintaining the College's duty to provide a safe and secure environment for all its students, staff and visitors.

Guidance on whether or not a conviction is deemed to be spent (as defined by the Rehabilitation of Offenders Act 1974, and reformed under the Legal Aid, Sentencing and Punishment of Offenders Act 2012) is attached at Annex A. It is the responsibility of the applicant/enrollee to determine their own circumstances in relation to spent convictions. If they are in any doubt as to their situation, they should be advised to contact Nacro on 0300 123 1999 or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)

## 2 Scope and Purpose

- Students are not refused access to College courses for which they are academically suited on the grounds of a previous criminal record, cautions, reprimands or final warnings, or any prosecutions pending unless their presence at the College is demonstrated to pose a risk to others or to College property, or unless their criminal record, cautions, reprimands or final warnings, or any prosecutions pending significantly limits their chance of success on their programme.
- **All students are asked to disclose unspent criminal convictions, cautions, reprimands or final warnings, or any prosecutions pending (including being on bail or released under investigation) as early as possible, i.e. at the point of application or enrolment, or at the point of formal police involvement should the offence occur during the academic year.. If formal police involvement is disclosed during application or enrolment, the student will not be fully enrolled until the risk assessment process has been followed and any decisions made as necessary.**
- Cases of particular concern are those relating to offences against the person, whether of a violent or sexual nature; those involving the unlawful supply of controlled substances or drugs; unlawful possession of offensive weapons; hate crimes; terrorism offences.
- A student's failure to disclose an unspent criminal conviction, caution, reprimand or final warning, or any prosecutions pending may result in the College's Student Disciplinary Procedures being implemented and could lead to the student being excluded.
- Conduct which may constitute a criminal offence may also result in the College's Student Disciplinary Procedures being implemented and could lead to disciplinary action by the College in addition to any criminal process.
- Any information obtained will be kept securely and confidentially and will be processed and retained in line with GDPR regulations.
- An assessment of risk (see Appendix B) is carried out in a sensitive, discreet and confidential manner, taking into account the needs of all concerned.
- The College may consult with other agencies involved with the student to ensure a fair risk assessment and appropriate support is provided for the student.
- The assessment of risk may result in continuing progression being refused or being subject to conditions.

- Students are provided with appropriate advice and guidance in relation to their chosen progression route if it is impacted by their criminal conviction, cautions, reprimands or final warnings, or any prosecutions pending.
- Information will only be passed to Heads of School or other college staff if there is a risk to students and staff.
- The College plays an appropriate part in the rehabilitation of offenders.

### **3 When is a conviction considered spent?**

Rehabilitation of Offenders Act 1974 (as amended by section 139 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012). This Act enables criminal convictions to become 'spent' or ignored after a 'rehabilitation period'. The length of the rehabilitation period depends on the sentence given – not the offence committed. Staff and applicants/ students are advised to consult the [Nacro website](#) for assessing whether any conviction may be considered 'spent'. Applicants should be advised to contact Nacro on 0300 123 1999, email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk) for further information and advice.

### **4 Summary of Procedure**

A flowchart of the procedure is included in appendix A.

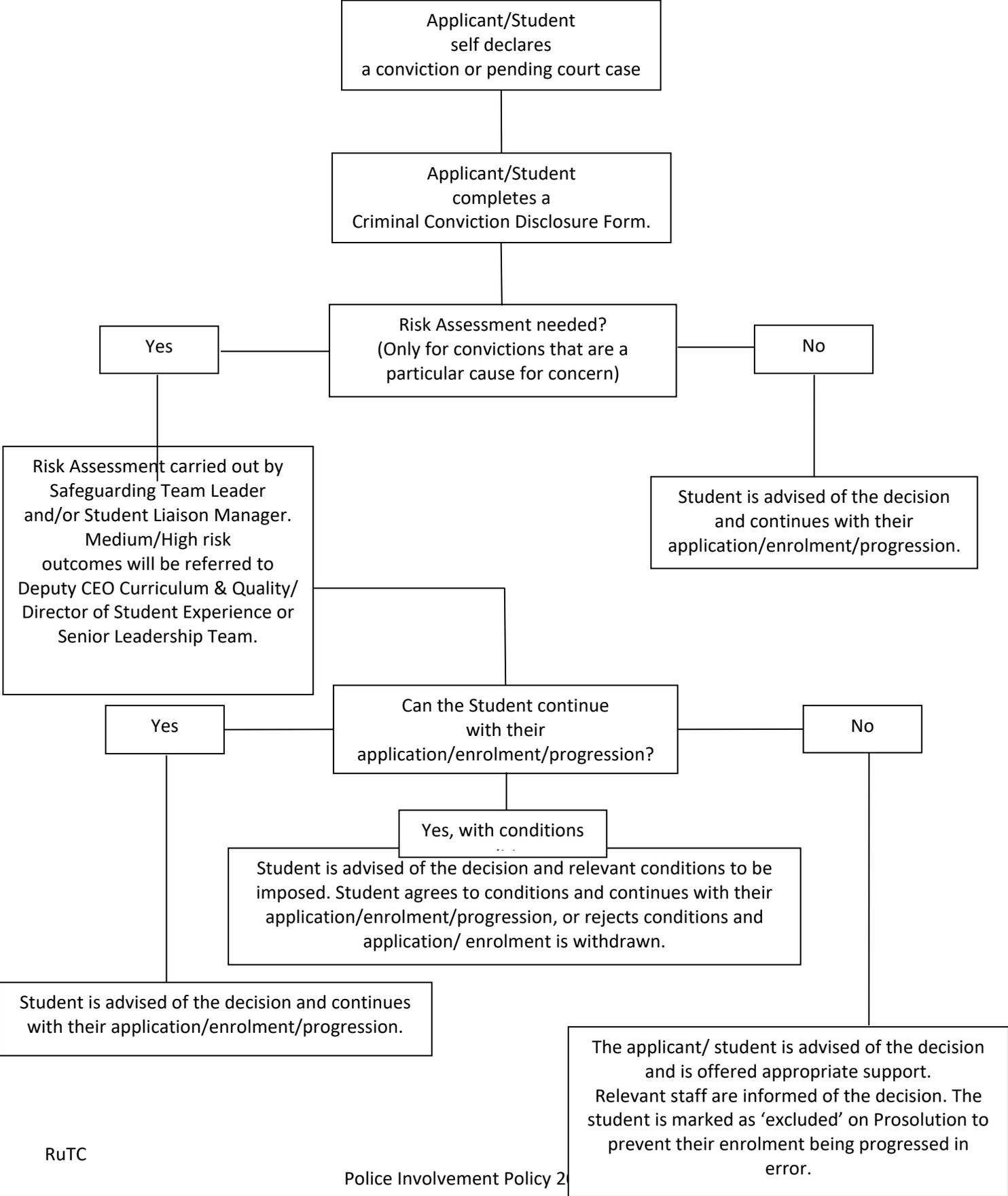
All students will be asked to self-declare unspent criminal convictions, cautions, reprimands or final warnings, or any prosecutions pending at the time of application and/or enrolment or throughout the time that they are a student at the College.

An assessment of risk will be undertaken if necessary.

A decision as to the continuing progression of the application/enrolment will be authorised by the appropriate member of staff.

The student will be informed of any decisions made as quickly as possible.

Process Flowchart



Police Involvement Disclosure Form (D1)

Name:

ID number:

Course(s) applied for:

<b>Do you have any criminal convictions, cautions, reprimands or final warnings, or any prosecutions pending?</b> (please circle)	<b>YES</b>	Please enter details on this form and sign below
	<b>NO</b>	Please sign at bottom of this page

The details requested on this form are necessary for us to be able to assess your application for a course at Richmond upon Thames College. It is important that you answer the questions truthfully. If relevant undisclosed information comes to light during your studies, disciplinary action may be considered and your place at College may be jeopardised.

We wish to provide every opportunity for you to access an appropriate course at the College, but we have to balance this with our legal duty to provide a safe, secure environment for all staff, students and visitors which is why we need to make this assessment.

This information will be looked at by the Admissions Team in the first instance to decide if your criminal record is relevant to your course and to you being at the College. If it is not considered relevant then there will be no further action.

If it is considered relevant, the Safeguarding Team will undertake a risk assessment which will lead to one of the following decisions.

- We are able to consider your application and offer you an interview
- We are able to consider your application as long as you agree to certain conditions and/or support
- We are not able to consider your application at the present time.

Please give us details of the offences for which you were convicted or charged, including approximate dates, and any prosecution you are currently facing.		
Are you currently on probation?	Yes	No
Have you been released from prison or judicial /penal institution within the last 6 months?	Yes	No
Are you currently supervised by a Youth Offending Team?	Yes	No
If yes please provide YOT worker name: YOT worker email/ phone number:		
If you are applying for a course leading to working with children (under 18), vulnerable adults, childcare or health and social care, please provide information on any spent convictions, cautions, reprimands or final warnings. A DBS check may be required for your course		
If you are on parole at present, please provide the following details so that we can have your permission to discuss your case with your parole officer. Parole officer: _____ Based at: _____		

Signed \_\_\_\_\_ Date: \_\_\_\_\_

## Criminal Record Disclosure risk assessment matrix

This is not an exhaustive list, but should act as a guide for staff in order to have a proportional response to disclosure, and for those conducting risk assessments as a foundation on which to base their judgements.

### RED – Enrolment blocked

- **Charges/ unspent convictions of:**
  - serious offences against the person, whether of a violent or sexual nature
  - unlawful supply of controlled substances or drugs
  - unlawful possession of offensive weapons
  - hate crimes
  - terrorism offences
- **Intelligence of:**
  - active gang participation

### AMBER – Information gathering from Police and risk assessment

- **Charges/ unspent convictions of:**
  - Sexual offences (guided by Brooke traffic light tool)
  - ABH/ crimes of violence
  - Channel referral/ concerns around radicalisation
  - Public order offences (threatening behaviour, affray etc)
  - Robbery
  - Burglary
  - Possession of controlled substances or drugs
  - Car theft
  - County Lines concerns

### GREEN – Enrolment can progress with monitoring

- **Charges/ unspent convictions of:**
  - Possession of class C
  - Common assault
  - Fraud
  - Non-violent offences
  - Petty theft
  - Other petty offences

Students Name:
Course:

Additional Notes			Risk Assessment		
Did the applicant disclose past convictions/cautions at application/ enrolment?	Yes	No		If NO, question applicant about why: If mitigating circumstances, then complete assessment.  If no mitigating circumstances, end application process if appropriate. If YES, complete this assessment.	
<b>What was the offence?</b> <i>This section provides specific information about the nature of the offence and other legal considerations which might be relevant.</i>					
<b>RISK LEVEL IN RELATION TO QUESTIONS:</b>			<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
<b>What was the outcome?</b>			Custodial	Suspended, community, conditional discharge	Warning, caution, reprimand, fine, absolute discharge, community resolution

**Criminal Conviction Risk Assessment**

<b><u>When was the offence committed?</u></b>				<b>HIGH</b>  In the last year	<b>MEDIUM</b>  Between 1 and 3 years	<b>LOW</b>  More than 3 years
<i>Offences which took place many years in the past may often have less relevance than recent offences. However, convictions for serious violent or sexual offences, or offences involving substance abuse are more likely to give cause for continuing concern than, say an isolated case of dishonesty committed when the person was young. The prospect of rehabilitation must be weighed against the need to minimise risk.</i>						
			<b>Additional Notes</b>	<b>Risk Assessment</b>		
<b><u>The nature of the offence.</u></b> <i>Is the type/nature of the offence a particular cause for concern to the College? If yes, in what way?</i>	Yes	No		<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
<b><u>The frequency of the offence.</u></b> <i>A series of offences over a period of time is more likely to give cause for concern than an isolated minor offence.</i>	Yes	No		<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
Has the applicant supplied additional references?	Yes	No		<b>HIGH</b>  Referees declare applicant unsuitable	<b>MEDIUM</b>  Referees share some reservations	<b>LOW</b>  Referees declare applicant suitable
Do the referees rate the applicant's suitability for	Yes	No				

**Criminal Conviction Risk Assessment**

attendance at the College?						
Does the applicant/referee offer any mitigating circumstances concerning past offence/s?	Yes	No		<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
Any aggravating factors to take into account (e.g. intent, harm, child criminal exploitation, breach of trust):			What has changed since offence occurred? (e.g. treatment etc) Applicant's attitude towards offence/s?			
<b>Overall Risk Rating</b>				<b>HIGH</b>	<b>MEDIUM</b>	<b>LOW</b>
Who else has been consulted about this disclosure (partner agencies, youth support worker etc):	Name:		Agency:		Date:	
Name:		Agency:		Date:		

Completed by:

Date:

