

Disclosure of unspent convictions policy

Unspent Criminal Convictions Disclosure & Consent Form

Policy Title	Disclosure of unspent convictions policy
Name of SLT lead	
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1.0 Introduction and Duty of Care

1.1 Total Training Provision are committed to the fair treatment of all its learners and welcomes applications from a wide range of individuals including those with criminal convictions. Total Training Provision actively promotes equality of opportunity. Total Training Provision selects individuals to take up places on courses based on their skills, qualifications and experience and not on their background or personal circumstances. Having a criminal conviction will not necessarily prevent someone from studying at the Total Training Provision.

1.2 In managing its learner community Total Training Provision is mindful, however, of the duty of care it owes to its learners and staff and, in appropriate circumstances, to the wider community to act reasonably to protect their health, safety and welfare, in line with the Apprenticeship, Skills,

Children and Learning Act 2009. Consequently, Total Training Provision requires all applicants to disclose unspent criminal convictions (save for minor motoring offences), as described in this Disclosure of Unspent Convictions Policy. Disclosure is also a condition of enrolment and reenrolment, and learners will be required to disclose unspent convictions on an ongoing basis.

1.3 This Disclosure of Unspent Convictions Policy explains how Total Training Provision deals with information regarding unspent criminal convictions and how Total Training Provision considers whether any such information is incompatible with an individual being offered a place on a course or taking up an offer or continuing on a course. It also describes the actions Total Training Provision may take in respect of a failure by an individual to comply with its disclosure requirements.

2.0 Who Does This Policy Apply To?

2.1 This Policy applies to all individuals already on a course, those who apply for and/or are offered a place on a programme of learning.

3.0 What is an 'unspent' conviction?

3.1 The Rehabilitation of Offenders Act 1974 distinguishes between spent and unspent convictions. [Please click here for further detail.](#)

4.0 Procedural Steps

4.1 All individuals are required to disclose unspent convictions on their:

- Expression of interest form
- Application form
- Enrolment form
- Re-enrolment

and within 7 days of their enrolment.

4.2 If an unspent criminal conviction is disclosed or otherwise brought to Total Training Provision's attention, the Designated Safeguarding Officer will require the individual to complete a Disclosure Form providing Total Training Provision with further information about the offence and contact details for any relevant third party e.g. a probation officer. A copy of Total Training Provision's Disclosure Form can be found at the end of this policy.

4.3 Having considered the further information provided in any disclosure form the Safeguarding Team may ask the individual to provide additional information and/or provide consent for Total Training Provision to contact relevant third parties e.g. a probation officer, medical practitioner etc.

4.4 This disclosure information will then be used to determine whether it gives rise to any concern that the individual poses an unacceptable risk to the health, safety and/or welfare of themselves and/or others (including learners and staff) and/or serious risk of damage to Total Training Provision property. The Safeguarding Team will undertake a risk assessment and determine whether there is a concern, that is whether the individual poses an unacceptable risk to the health, safety and/or welfare of themselves and/or others (including learners and staff).

4.5 In carrying out any risk assessment, the Safeguarding Team may seek to involve relevant third parties such as a probation officer or medical practitioner.

4.6 In carrying out any risk assessment the Safeguarding Team may consider as appropriate in the circumstances of the case one or more of the following aspects (which is not an exhaustive list):

- the nature and circumstances of the offence
- the date of the commission of the offence
- the age/circumstances of the individual at the time of the commission of the offence
- the penalty imposed for the offence
- the country in which the offence was committed
- whether the offence was a one-off or a repeat offence
- the particular environment(s) that the individual would be placed in if s/he were to take up a place on a programme of learning e.g. where an applicant's criminal convictions have a direct bearing on the course that they wish to enrol on, e.g. a conviction of a sexual nature might have a bearing on an applicant wishing to enrol on a course, where they would have access to children and/or vulnerable adults.
- where the admission of an applicant could place learners and/or staff at risk because the applicant has a history of violence or any other form of abuse towards others

4.7 If an individual refuses to disclose further information when requested and/or refuses to consent to Total Training Provision contacting a third party for information, Total Training Provision may come to a decision based on the information currently provided.

5.0 Decision

5.1 Upon consideration of the information received as a result of the procedure referred to in section 4 above, the Safeguarding Team may make one of the following recommendations to the Enrolment officer:

5.2 The individual is:

5.2.1 Offered a place on a course without conditions

5.2.2 Offered a place with conditions

5.2.3 Not or should not be offered a place

5.2.4 Permitted to continue on the course

5.2.5 Permitted to continue on the course with conditions

5.2.6 Excluded from the course.

5.3 The decision of the Safeguarding Team together with reasons will be notified to the individual in writing normally within three working days of the decision being made.

6.0 Appeal

6.1 For new applicants who did not attend a Total Training Provision course during the previous academic year, the decision of the Safeguarding Team is final and there will be no right of appeal against any decision made during this process

6.2 Existing learners, who wish to appeal against any decisions made during this process should set out their grounds for an appeal in writing to the Principal Learning Manager, within ten working days

of receiving the decision. The appeal must clearly explain the grounds for the appeal, e.g. that Total Training Provision's procedure in this Policy was not followed, or that the decision made was unreasonable or that new material evidence has come to light.

6.3 The decision of the Designated Safeguarding Officer, together with reasons will be notified to the individual in writing normally within three working days of the decision being made.

7.0 Failure to disclose a relevant criminal conviction

7.1 Total Training Provision may amend or withdraw the offer of a place or terminate a learner's enrolment if it determines that an individual:

7.1.1 Made any misleading, false or fraudulent application or statement to Total Training Provision

7.1.2 Failed to disclose relevant information to Total Training Provision

7.1.3 Provided falsified documents whether in the course of his/her application or whilst on his/her course.

8.0 Data Protection

8.1 In accordance with the Data Protection Legislation, Total Training Provision is the data controller of any personal and/or sensitive personal data (including any information on your previous criminal convictions, current allegations etc) you and third parties provide. Personal information submitted as part of the application process/enrolment/re-enrolment will be dealt with in accordance with the data protection statement contained on the application form.

8.2 In some circumstances Total Training Provision may request additional information from you on your criminal convictions to evaluate your application in more detail. To comply with the Data Protection Legislation, Total Training Provision may require your written consent to collect and process this additional information on your criminal convictions, should Total Training Provision require more information from you in this regard.

8.3 Where you provide your consent, any additional information provided which relates to your criminal convictions will be processed solely for the purposes of evaluating your application or enrolment or continued enrolment in accordance with this Policy and otherwise as required or permitted by law under the Data Protection Legislation.

8.4 If you do not provide your consent, any information you provide to Total Training Provision will be immediately returned to you and will not be considered under this Policy until such consent is provided. Failing to provide your consent may lead to Total Training Provision being unable to process your enrolment in time for the course start or at all or may result in your enrolment being terminated.

8.5 Any information provided to Total Training Provision under this Policy shall be retained in accordance with its obligations under the Data Protection Legislation.

8.6 The information you provide will be disclosed, and considered by, the Safeguarding Team within Total Training Provision. The information will only be shared with other staff, who have a genuine need to know, if necessary, in order to protect the safety & welfare of other students or staff.

9.0 Monitoring and Evaluation

9.1 Total Training Provision will review performance against this policy on an annual basis and as a result can amend this policy document, whenever it is deemed appropriate. These amendments can

include the need to change conditions stated within this Policy during an academic year, i.e. after learners have commenced their courses and prior to the same learners completing their courses.

10.0 Further Information

10.1 If you are in any doubt about whether a conviction/caution you have has become spent and/or should be disclosed, you should consider taking independent legal advice, or [click here](#).

Reporting Procedure

All learners and staff are advised of the following contact details to report a Safeguarding or Prevent concern.

Designated Safeguarding Officer

Terri McGregor – Quality Manager

Tel: 07711491759

Email: safeguarding@total-tp.com

Last Review Date: February 2023

Next Review Date: February 2024

Signed:

Disclosure Form and Consent

In managing its learner community Total Training is mindful of the duty of care it owes to its learners and staff and, in appropriate circumstances, to the wider community to act reasonably to protect their health, safety and welfare, in line with the Apprenticeship, Skills, Children and Learning Act 2009. As a consequence, Total Training Provision requires all applicants to disclose unspent criminal convictions (save for minor motoring offences), as described in the Disclosure of Unspent Convictions Policy. Disclosure is also a condition of enrolment and re-enrolment, and learners will be required to disclose unspent convictions on an ongoing basis. The Disclosure of Unspent Convictions Policy (<https://www.skillsandlearningace.com/policies/disclosure-of-unspent-convictions/>) explains how Total Training Provision deals with information regarding unspent criminal convictions and how Total Training considers whether any such information is incompatible with an individual being offered a

place on a course or taking up an offer or continuing on a course. It also describes the actions Total Training may take in respect of a failure by an individual to comply with its disclosure requirements.

If you are in any doubt about whether a conviction/caution you have has become spent and/or should be disclosed, you should consider taking independent legal advice, or go to: <https://www.criminalrecordservices.com/dbs-check/what-is-the-difference-between-spent-and-unspent-convictions/>.

1. First Name

2. Surname

3. DOB

4. Email address

5. Type of

please provide information on each unspent conviction that you have

offence

6. The date of conviction

7. Age at the time of the commission of offence

8. The country in which the offence was committed

9.Type of sentence imposed

10.Length of sentence

11.Period of time before the conviction becomes spent

12.Contact details for any relevant third parties, such as
probation officer or support worker

I
hereby give my consent to the personal and sensitive personal data about me contained in this Disclosure Form being processed by Total Training Provision in accordance with its Disclosure of unspent Convictions Policy and with its Privacy Policy both of which I have read.

Name:

Signature: