



Leeds City College

Criminal Convictions Data - Collection, Handling, Use and Storage **Appendix to Data Protection Policy**

For the purposes of the initial application and on enrolment to a course, Leeds City College asks for declarations of unspent criminal convictions. We do not ask for information about spent offences (as defined by the Rehabilitation of Offenders Act, 1974) unless the course requires a Disclosure and Baring Service (DBS) Enhanced check, in which case further discussion are undertaken at interview (this does not include offences that would be filtered from a DBS Certificate).

In accordance with the College's Data Protection Policy all sensitive/personal data that the College collects in relation to criminal convictions is done fairly, stored/destroyed securely and not disclosed to any third party unlawfully.

Please note that having an unspent conviction(s) in most cases is not a bar to studying at College and as such we consider each application on its merits.

To find out if your offence is spent or unspent, you can visit the Gov.uk site below;
<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

If your course requires a Disclosure and Baring Service (DBS) Enhanced check, you can check offences that may be filtered from the Police National Computer when it is processed by the DBS by visiting the Gov.uk site below, as you do not need to declare these convictions to us;
<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>

Why do we ask for information on unspent offences

(*or if undertaking a course that requires DBS check, spent offences that would not be filtered from the DBS certificate)

We ask for this information to allow us to ensure we consider and balance the following things:

1. That we provide opportunity for students to access appropriate courses.
2. That we uphold our legal duty of care to all staff, students and visitors by ensuring we are able to provide a safe and secure environment.
3. We have a statutory responsibility to ensure that appropriate safeguarding procedures are in place, and the assessment process around disclosure of unspent criminal convictions forms part of this.
4. If you will be undertaking a course that because of mandatory work placement requirements are excluded from the Rehabilitation of Offenders Act, 1974 and requires a Disclosure and Baring Service (DBS) Enhanced check, then any unspent and spent (but not filtered) offences could impact on you being able to gain placement opportunities and so complete the course, as well as fulfil professional requirements of the job area.

We use information around criminal convictions **solely** to undertake an assessment of the offences declared, in order for us to identify if there are any pertinent risks associated with the individual concerned studying at College. With this in mind, the most relevant categories of unspent offences are in relation to the protection of children and vulnerable adults, i.e. violent, sexual and drug offences (particularly supply of drugs) – please see below for a list of these.

We recognise, however, that many unspent offences have no bearing on study at College (i.e. minor or not relevant offences) and these are treated accordingly.

What is a relevant criminal conviction

Relevant criminal offences include convictions, cautions, final warnings or similar which involve one or more of the following:

- Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in actual bodily harm
- Offences listed in the Sex Offences Act 2003
- The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking
- Offences involving firearms
- Offences involving arson
- Offences listed in the Terrorism Act 2006

If your conviction involved an offence similar to those set out above, but was made by a court outside of Great Britain, then that conviction would not be considered as spent under the Rehabilitation of Offenders Act 1974, you should declare it as you would any other unspent conviction.

Process where an applicant discloses an unspent criminal conviction ***(*or if undertaking a course that requires DBS check, has spent offences that would not be filtered from the DBS certificate)***

When an applicant ticks 'yes' to having an unspent criminal conviction(s) on application, we will request further information using a standard College 'Disclosure of Criminal Convictions' questionnaire. Applicants are asked to return the questionnaire to a senior member of staff in the relevant Admissions Recruiting Team who will undertake an initial assessment of the information disclosed.

As a proportion of the offences declared have little or no bearing on study at College, such declaration questionnaires are viewed and assessed as requiring no further action by the senior member of staff responsible for the process and the information is then stored separately and securely and is not included with/or passed on with the general application record or associated documents.

However, where an offence may be relevant, the College will undertake a full risk assessment with the applicant, which often involves consultation and information sharing with relevant agencies such as the Youth Offending Service, Probation Service or Police, to identify and mitigate any possible risks associated with either the offence or the individual. On the Disclosure of Offences questionnaire you will be asked to sign and agree to this sharing of information with the relevant Justice agencies as above.

Where significant risks are identified to students or staff AND these risks cannot reasonably be managed safely within the College environment, we retain the right to refuse the applicant a place at College. We may also refuse a place on a particular course if the applicant is unable to meet the particular placement, professional or statutory requirements that exist for some courses. However, this occurs in a very small number of cases, and only after careful consideration by College Management and in consultation with appropriate agencies.

The only information relating to criminal convictions stored on the student system is your reply to the criminal conviction question on the application/enrolment form - no other information relating to your conviction is stored on the student system. Criminal convictions information is kept confidential and stored securely and separately as above (whether paper or electronic copies). Your conviction (s) information does not form part of the application or interview record and is not seen or accessed by anyone other than the senior members of staff

responsible for the assessment process either within the Admissions Recruiting team or College Safeguarding team. In the vast majority of cases information around your criminal conviction(s) is not shared with the interviewing curriculum area or your tutors, as their judgement is purely about academic and general suitability for the course *

* The following two exceptions to this would be;

- In defined circumstances which have been identified through risk assessment where an appropriate level of information sharing/supervision is a condition of study at College, which you would be made aware of and asked to agree to formally, including exactly who the information would be shared with.
- Where your course is subject to an Enhanced Disclosure and Baring Service (DBS) check, then we may share information around the criminal convictions with the interviewing curriculum team, solely to aid the DBS disclosure process as this is a mandatory part of the interview process for such courses.

Failure to Disclose

If a person applying for a programme fails to declare a relevant conviction(s), the application may be considered to be 'fraudulent'. Where appropriate, applications may be rejected for non-declaration or partial disclosure.

Students who fail to declare a relevant criminal conviction(s) and subsequently enrol at College may be subject to disciplinary proceedings and may be withdrawn from their programme of study.

Length of time criminal convictions declarations and associated documents are retained by the College:

	<u>Circumstance</u>	<u>Length of time Kept</u>	<u>Exceptions</u>
1	Where an applicant enrolled to the college	Kept for 6 years after enrolment, in accordance with general student records	
2	Where an applicant did not subsequently enrol at College	All information will be securely destroyed at the end of the recruiting year (by the end of October)	Where a full risk assessment took place that indicated a serious, significant risk to students or staff then the declaration and associated information will be kept for a period of 3 academic years after application
3	Where convictions information declared by the applicant is for a <u>spent</u> offence and the applicant is <u>not</u> applying for a course which requires a Disclosure and Baring Service (DBS) check	The information will be destroyed immediately and you will be informed that the offence is spent	Where you <u>are</u> applying for a course which requires a Disclosure and Baring Service (DBS) check, and providing the offence would not be filtered from a DBS Certificate, then the above rules in 1 and 2 regarding storage periods apply

If you have any questions relating to this policy, the process or procedure, or how your information will be used please contact the Admissions Manager via the College switchboard or in writing to;

***Admissions Manager
Leeds City College
Park Lane Campus
Park Lane
Leeds
LS3 1AA***