



**Wigan[♥]
Council**



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Learners with Criminal Records and Unspent Convictions Policy

Review date: September 2025 Next review date: September 2026

Wigan Council Policy for Learners with Criminal Records and Unspent Convictions

1. **Introduction and Aim**

- 1.1. The aim of this policy is to ensure that applicants (learners) with criminal convictions are given every opportunity to benefit from the courses Wigan Council Adult Learning and Skills programme offer, while maintaining the provider's duty of care to do everything reasonable to provide a safe and secure environment for all its learners, staff and visitors.

2. **Purpose**

- 2.1. All applicants are asked to disclose unspent criminal convictions and pending prosecutions. This takes place at the time of enrolment, via a question on the enrolment form where learners are asked to declare if they have unspent criminal convictions. This ensures:
- 2.2. The wellbeing of the learning community and the effective running of the provision is protected.
- 2.3. Learners and potential learners are not refused access to Adult Learning courses which they are academically suited for on the grounds of a previous criminal record unless their presence on the provision has been deemed high risk to others or to council/provision property, or unless their criminal record significantly limits their chance of success on their course.
- 2.4. Assessment of risk is undertaken in a sensitive, discreet and confidential way, taking into account the needs of all concerned.
- 2.5. All records are kept securely and destroyed as set out in data protection guidelines.
- 2.6. The Adult Learning and Skills provision meets all its legal obligations.
- 2.7. Learners do not begin courses where a previous criminal record is likely to disbar them from some mandatory aspect of the course (e.g. work/volunteer placements on the Supporting Teaching and Learning Course Teaching Assistant Course).
- 2.8. Learners are advised before undertaking a course if it is felt that a criminal record is likely to significantly impact on their chances of gaining employment in their chosen field. The choice as to whether to undertake the course though remains theirs as they may have objectives other than the gaining of employment in that particular field for doing so (e.g. BTEC Health and Social Care Level 1).
- 2.9. The Adult Learning and Skills team networks as appropriate with other agencies involved with the learner to ensure a fair risk assessment and good support for the learner if they undertake a course.

3. Legislative/Quality Framework

- 3.1. Safeguarding Children in Education (Sept 2018)
- 3.2. Rehabilitation of Offenders Act (1974); Rehabilitation Periods (July 2018)
- 3.3. Working Together to Safeguard Children (July 2018)

4. Scope

- 4.1. The Policy and procedures apply to all of Wigan Council's Adult Learning and Skills Learners.

5. Record keeping, complaints and appeals

- 5.1. All records will be kept in line with data protection law and GDPR.
- 5.2. An applicant who is unhappy with the outcome of this policy can appeal to the Adult Learning and Skills management team.

6. Dissemination

- 6.1. Adult Learning and Skills website- policies section.
- 6.2. Internal Staff TEAMS site
- 6.3. Yearly to the Tutor/Business Support Team CPD

7. Monitoring and Review

- 7.1. The policy will be reviewed on an annual basis by the Adult Learning and Skills Management team and supported by Council Safeguarding and Prevent team.

8. Process

- 8.1. On completion of an application form, all prospective learners who declare an unspent or pending conviction will have their application placed on hold.
- 8.2. A prepopulated email will be sent to the applicant, by the Safeguarding team confirming the Adult Learning and Skills service acknowledges their declaration and that their application has been put on hold until further information is received and processed by the Safeguarding Team. This is supported by a phone call within 5 days of receiving the application (enrolment form) from a member of the Safeguarding team as not all learners access email.
- 8.3. The Safeguarding Team will carry out an assessment and liaise with the relevant agencies if deemed necessary and complete the declaration form with the learner. The first stage is often completed by phone; however, the applicant may be invited to meet with the Safeguarding Team to collect further information or to clarify or confirm information.

- 8.4. If the applicant is 'OK to proceed' the Safeguarding Team will contact MIS/the tutor of the relevant courses and confirm that they can continue with the application.
- 8.5. The Safeguarding and Prevent Manager will inform any teaching staff who need to know if a learner is admitted to the course with conditions for managing risk or particular support needs, otherwise information of the learner's conviction is not passed on.
- 8.6. Where an applicant is deemed high risk and not suitable for this provision they will be informed of this decision via phone by the Safeguarding Team, who will at this point discuss alternative venues and signpost where applicable.

9. Enrolment Process – All Courses

- 9.1. All prospective students are asked on the enrolment form if they have any unspent criminal convictions or pending prosecutions.
- 9.2. Those answering 'yes' are asked to complete a supplementary form with support from the Safeguarding team called Declaration of Convictions (Appendix 1). Where the course applied for involves working with children or vulnerable adults these should include 'spent' convictions.
- 9.3. The Safeguarding Team may then need to get advice and information from other agencies involved with the applicant or arrange for the student to be interviewed to collect further information or to clarify or confirm information.
- 9.4. The risk assessment will be recorded on the Convictions Risk Assessment Form (Appendix 2) and the applicant informed of the outcome by the Safeguarding Team.
- 9.5. The Safeguarding Team will inform teaching staff who need to know if a student is admitted to the course with conditions for managing risk or particular support needs, otherwise information of the student's conviction is not passed on.
- 9.6. All forms are kept securely and in line with data protection law and GDPR.
- 9.7. When completing the risk assessment the DSL will take into account:
 - the nature and circumstances of the offence
 - the date of the commission of the offence
 - the age and circumstances of the individual at the time of the commission of the offence
 - the penalty imposed for the offence
 - whether the offence was a one-off or a repeat offence
 - the particular environment(s) that the individual would be placed in if they were to take up a place on a course.
- 9.8. If an individual refuses to disclose further information when requested and/or refuses to consent to the Adult Learning and Skills team to contacting a third party for information, the team may come to a decision based on the information currently provided.

- 9.9. The Safeguarding Team may seek to involve relevant third parties, e.g. Probation Officer, Police officer/mental health key worker, to obtain further information and/or references.
- 9.10. It is the teacher's responsibility to highlight at the earliest opportunity medium and high-risk learners to the Safeguarding Team and to ascertain approval or 'OK to Proceed' for a whole group or for individual learners. Where a teacher is uncertain of the risk level they must consult with the Safeguarding Team.
- 9.11. All forms are kept securely and in line with data protection law and GDPR.

10. **Issues on Course (All Staff)**

- 10.1. Where it is revealed during a course that a student has not disclosed a criminal record, the Safeguarding Team will, in consultation with the Senior Designated Safeguarding Lead, consider any appropriate disciplinary action, dependent on the severity and impact of the disclosure.
- 10.2. Where a criminal prosecution or conviction occurs during the course, the Senior Designated Safeguarding Lead will make a judgement on appropriate action.

11. **Appendices**

Appendix 1 – Declaration of Convictions Form

Appendix 2 – Convictions Risk Assessment

Appendix 3 – Group Risk Assessment

Are you currently on a:	Home detention curfew	Yes	No
	Sex Offenders Register	Yes	No
Do you have any history of the following:	Arson	Yes	No
	Violence against a person	Yes	No
	Offences against children/vulnerable adults	Yes	No
	Drug supply/dealing	Yes	No
Are you currently:	Under bail conditions	Yes	No
	Pending a court hearing	Yes	No
Do you have a Learning Difficulty/Disability?		yes	no
If yes, please give details:			

It may be useful for the Adult Learning and Skills Safeguarding team to talk to other professionals who have been, or are currently, involved in helping you with the issues connected to your conviction(s). Sharing information with other professionals involved in your case will enable us to develop a clearer picture of your situation and needs. By working together we can plan appropriate courses of action. E.g. probation officers/social workers to gain a reference for you, or more details about the circumstances of your conviction or treatment. Similarly, they may wish to find out if you have been offered a place on a course.

Please give details of your Key worker / Probation Officer (please circle) and other support workers (if appropriate):

Name: _____

Tel: _____

Name: _____

Tel: _____

Applicant Declaration

I have read, or listened to, the information provided on this form and understand that this information is needed to ensure I am provided with the appropriate information, advice and guidance. I confirm that I give my consent to The Safeguarding team for Adult Learning and Skills at Wigan Council to risk assess my application.

Name (please print): _____

Signature: _____

Date: _____

Appendix 2

STRICTLY CONFIDENTIAL

RISK ASSESSMENT

Disclosure of Cautions, Criminal Convictions, Reprimands or Final Warning

Risk assessment to be completed by the Safeguarding Team.

What was the offence?	High Murder, manslaughter, rape, sexual offences, GBH, other serious acts of violence, Class A drugs related <input type="checkbox"/>	Medium Robbery, burglary theft, Deception fraud, drunk disorderly, criminal damage, other related <input type="checkbox"/>	Low Drink driving offences, vandalism <input type="checkbox"/>
What was the sentence?	High Custodial <input type="checkbox"/>	Medium Suspended, community service, conditional discharge <input type="checkbox"/>	Low Warning, final warning, caution, reprimand, fine, absolute discharge <input type="checkbox"/>
When was the offence committed?	High > 3 years <input type="checkbox"/>	Medium > 3 years, <10 years <input type="checkbox"/>	Low 10 years + <input type="checkbox"/>
Is there a pattern of specific offences?	High yes <input type="checkbox"/>	Medium Some/limited <input type="checkbox"/>	Low No <input type="checkbox"/>
Is the type of course a factor? This may depend on offence committed and any risks associated with particular courses	High Course content / delivery methods / other factor likely to be unsuitable <input type="checkbox"/>	Medium Course content/ delivery methods/ some other factors unsuitable <input type="checkbox"/>	Low No concerns <input type="checkbox"/>
Will the location of the course be a factor?	High Venue with under 19s a / Vulnerable adults, present <input type="checkbox"/>	Medium All other locations have a potential concern <input type="checkbox"/>	Low Course location not a significant factor <input type="checkbox"/>

Outcome of risk assessment	High	Medium	Low

Recommendations

	Outcomes	Details	Actions
Unconditional enrolment		Provide details below	Inform learner actions
Conditional enrolment		Provide details below	Inform learner actions
Application rejected		Provide details below	Inform learner actions
Application deferred pending further info		Provide details below	Inform learner actions
Application deferred – alternative course		Provide details below	Inform learner actions
Application deferred – other reason		Provide details below	Inform learner actions

Further details /additional support in place

Section nine	Authorisations
Panel member	Signature _____ Date _____ Signature _____ Date _____

Appendix 3

GROUP CONVICTION RISK ASSESSMENT

This form should be completed in conjunction with the Declaration of Convictions Form for bespoke/targeted provision with offenders.

Tutor Name:	Tutor Signature:	Number in group:
Course:	Venue:	Date:
ISSUES TO BE CONSIDERED	COMMENTS	
Are there 'high risk' offenders in the group? Give details. i.e. Sex Offenders YES/NO Number Violent Offenders YES/NO Number – Hate Crime Offenders YES/NO Number – Terrorist Offenders YES/NO Number_____		
Who may be at risk? Please circle Young people/children Vulnerable adults General Public Staff Other		
Are there any offender conditions that may affect any learners attending the venue for the course? If yes, what needs to be taken into account?		
What other conditions need to be in place to ensure other learners, staff remain safe?		
Are other safeguards in place to minimize risk against offending while in the learning environment? i.e. reviews, partnerships with other agencies.		
Contact details for other agencies i.e. Job Centre contact.		

Other measures taken to ensure safety of all concerned:

Review:

Date	Changes	Comments	Initials

Tutor to retain a copy and send a copy, when completed and after reviews, to the Safeguarding Team:

