

# Disclosure of Criminal Convictions Student Information Pack and Form



## 1.0 Introduction

Thank you for your interest in joining a course at SERC. The College is committed to ensuring the safety and wellbeing of all students, trainees and staff as they attend, while at the same time ensuring that there is an equality of opportunity for all applicants including those with criminal convictions.

To help us to fulfil these commitments, the College needs you to provide some information regarding any criminal convictions that you may hold. You can do this by Criminal Conviction Disclosure Form on page 3 of this document. In completing this you are only asked to provide information that is relevant given the nature of the offense, when it occurred and the type of course that you are applying to. If necessary, this information will be used to develop a suitable Risk Management Plan.

You will not be required to disclose spent convictions, unless you are applying for courses in Childcare, Sports Studies, Health and Social Care (including Counselling and Social Work), Teaching / class room assistants or Youth Work. For courses in these areas you will be required to disclose all spent and unspent criminal convictions.

If a potential student discloses a criminal conviction(s), he or she will **not** automatically be excluded from the application process.

## 2.0 Scope

The disclosure of a criminal conviction means that the College will apply the Criminal Disclosure Procedure. This procedure allows a senior manager to consider the disclosure in the context of the occupational area that the applicant has applied to, the nature of the offence and the responsibility that the College has to care for all students and staff.

As part of this process and, if necessary, a risk assessment and management plan will be completed and agreed with the applicant as part of the application process.

## 3.0 Criminal Disclosure Process

The Criminal Disclosure Process is a separate and confidential procedure, which complies with the College's Data Protection policies. If an applicant declares that they have a prior criminal conviction when completing their on-line application, they will automatically be directed to the Criminal Disclosure Procedure and are required to complete the form below.

### Stage 1

The applicant completes the Criminal Disclosure form, which should be returned to the named person at the College.

### Stage 2

A senior College manager will review the information on the form and if necessary, the applicant will be invited to attend a meeting about the disclosure, this meeting being referred to as the Disclosure Meeting.

**Stage 3**

The purpose of the Disclosure Meeting is to ensure that appropriate arrangements are made if possible, to ensure the safety of all students (including the applicant) and staff. At the Disclosure Meeting, the applicant will be given an opportunity to explain the nature and circumstances of their conviction(s), and they should provide enough information to enable a risk assessment and a management plan to be prepared, if necessary. This plan, if agreed by the applicant and the College will be implemented if the applicant becomes enrolled at the College.

The applicant is entitled to bring another person with them to the Disclosure Meeting, and if required, the applicant's Probation Officer, or PSNI Public Protection Unit Officer (PPU) may also attend.

**Stage 4**

The senior College manager who arranges the Disclosure Meeting will complete a Risk Assessment and Management Plan, which will then be approved by the Senior Management team of the College, before the applicant is asked to confirm and sign the Management Plan.

**Stage 5**

Applicants will be advised about the outcome of this process separately and as quickly as possible after the Disclosure meeting. Where a current/previous conviction may preclude an applicant from doing a particular course, the College may offer alternative appropriate courses to the applicant.

If the College becomes aware of a trainee / student offence that has not been disclosed, it will review the risk and decide if the student must withdraw from the course (if enrolled) or the applicant be prevented from enrolling (if not enrolled) until the Criminal Conviction Disclosure Procedure can be applied.

**4.0 Criminal Conviction Disclosure Form Overview**

All applicants who have indicated on the application form (on-line application form) that they may need to disclose information regarding a criminal conviction are required to complete the Criminal Conviction Disclosure form provided in this pack. This form will guide the applicant in relation the information that needs to be provided. Further information relating to relevant convictions is also contained within this pack.

Some jobs/roles are considered so sensitive or risky that all criminal offences must be declared. A range of occupations (paid and unpaid) are excepted from legislation, and for these posts applicants must disclose information on both "spent" and "unspent convictions". SERC applies the same consideration when applicants are applying to courses, which relate to these job areas. These job areas are:

- Childcare
- Sports Studies
- Health and Social Care (including Counselling and Social Work)
- Teaching or class room assistants
- Youth Work.

All applicants should complete sections 1 and 3; while those applying for courses in the areas listed above should complete section 1, 2 and 3.

**5.0 Data Protection**

All information provided on this form will be managed confidentially and in line with SERC's Data Protection Procedures.

# Disclosure of Criminal Convictions Form



## SECTION 1

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Course Applied to: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Campus: \_\_\_\_\_

### For Office Use Only

Unique  
Reference: \_\_\_\_\_

Date Received: \_\_\_\_\_

Assigned Manager: \_\_\_\_\_

SERC is committed to equality of opportunity for all, including those with criminal convictions. Information about criminal convictions is requested to assist the admissions process but will only be taken into account when it is considered relevant. Any disclosure will be seen in the context of the occupational area you wish to follow, the nature of the offence and the responsibility the College has to care for other trainees and students, staff and others who attend the College.

*This information is required by the Disclosure and Barring Programme in line with legislative requirements.*

### Advice to Applicants

*Any information provided will not be discussed with anyone else without your consent and you will be informed in due course who needs to know about your conviction(s). Any disclosure will be treated confidentially, and support is available for you if required*

### Question 1

Do you have any unspent criminal convictions that relate to any of the following types of offence:

- Violence or threat of violence
- Offence of a sexual nature
- Distribution or sale of illegal drugs

YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered YES to **Question 1**, please provide details in the box below.

If you have answered NO to Question 1, please state 'none' in the box below and go to **Question 2** on this form.

| Date of Conviction | Offence | Sentence |
|--------------------|---------|----------|
|                    |         |          |

Please provide any other information that you may feel may be relevant such as:

- Circumstances of the offence;
- a comment on the sentence received;
- any relevant development in your situation since then;
- Whether or not you feel the conviction has relevance to the course that you wish to attend.

## Question 2

Are you applying for a course in one of the following areas (which may be described as regulated activities):

- Childcare;
- Sports Studies;
- Health and Social Care (including Counselling or Social Work);
- Teaching or class room assistants;
- Youth Work.

YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered 'YES' to **Question 2**, please go to **SECTION 2** and complete **Questions 3 and 4**.

If you have answered 'NO' to **Question 2**, please go to **SECTION 3**.

## SECTION 2

### Question 3

Are you currently subject to inclusion on the CHILDREN'S and / or ADULTS BARRED LIST?

YES \_\_\_\_\_ NO \_\_\_\_\_

### Question 4

Do you have any CONVICTIONS / CAUTIONS / INFORMED WARNINGS or DIVERSIONARY YOUTH CONFERENCES that are not subject to filtering?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you have answered YES to **Question 3** or **Question 4(a) or 4(b)** please provide the following details

| Date of Conviction | Offence | Sentence |
|--------------------|---------|----------|
|                    |         |          |

Please provide any other information that you may feel may be relevant such as:

- Circumstances of the offence;
- a comment on the sentence received;
- any relevant development in your situation since then;
- Whether or not you feel the conviction has relevance to the course that you wish to attend.

### SECTION 3

Do you have any Disability that would require reasonable adjustments to be made for the Disclosure Meeting?

YES \_\_\_\_\_ NO \_\_\_\_\_

I declare that any answers are complete and correct to the best of my knowledge and agree for this information to be shared as necessary for the purposes of my training / educational opportunities.

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

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

When completed, please return this form to:

**Paul Walsh**  
**Head of Learning Support**  
**SERC Downpatrick Campus**  
**102 Market Street**  
**Downpatrick**  
**BT30 6LZ**

## INFORMATION SHEET - Summary of Legislation

**THE REHABILITATION OF OFFENDERS (EXCEPTIONS) ORDER (NI) 1979**  
**(amended by 1987, 2001, 2003, 2009, 2012 and 2014 Orders)**

Some jobs/roles are considered so sensitive or risky that all criminal offences must be declared regardless. A range of occupations (paid & unpaid) are exempted from the legislation, for these posts applicants **MUST** disclose information on both “spent” **AND** “unspent” convictions. The list of posts is extensive & can be summarised as follows:

- WORK THAT INVOLVES CONTACT WITH CHILDREN OR YOUNG PEOPLE OR VULNERABLE ADULT GROUPS – e.g. provision of health care or social services, work with children such as youth work, education, leisure centres, or with adults with learning disabilities, mental illness, the elderly, taxi drivers.
- PROFESSIONS THAT ARE REGULATED BY LAW - e.g. medical practitioner, nurse, chemist, optician, accountant, manager of an insurance company.
- POSTS INVOLVING NATIONAL SECURITY e.g. Security personnel/senior civil service posts.
- POSTS CONCERNED WITH ADMINISTRATION OF JUSTICE e.g. police officers, solicitors, probation officers, traffic wardens, judges, prison officers.

**THE REHABILITATION OF OFFENDERS (NI) ORDER 1978**

Other jobs/roles such as retail, general operatives, administration etc. which do not have access to the vulnerable or their personal details, may allow sentences to become ‘spent’ after fixed periods from the date of conviction.

***If a conviction is ‘spent’ you do not have to mention it, even when asked, unless applying for a post which is “excepted” under this legislation (see above)***

| Sentence  | Aged 18 or over at conviction                             | Under 18 years at conviction |
|---|---|------------------------------|
| Absolute Discharge  | 6 months  |                              |
| Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order   | Date Order ceases OR 1 year – whichever longer            |                              |
| Attendance Centre Order<br>Juvenile Justice Centre Order<br>Youth Conference Order, Reparation Order,<br>Community Responsibility Order | 1 year after Order expires                                |                              |
| Hospital Order  | 5 years or 2 years after Order expires – whichever longer |                              |
| Fine or Community Service Order Combination Orders  | 5 years   | 2 ½ years                    |
| Prison – (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less  | 7 years   | 3 ½ years                    |
| Prison – (immediate or suspended) OR Young Offenders Centre over 6 months up to and including 2 ½ years                                 | 10 years  | 5 years                      |
| A period of detention of less than 6 months under Article 45 of the CJ (Children) (NI) Order 1998                                       | N/A   | 3 years                      |
| A period of detention over 6 months but less than 30 months under Article 45 of the CJ (Children) (NI) Order 1998                       | N/A   | 5 years                      |

**NB: CUSTODIAL SENTENCE OF MORE THAN TWO & A HALF YEARS CAN NEVER BECOME SPENT**

- Consecutive prison sentences count as a single term when calculating the rehabilitation period.
- If more than one sentence was imposed for an offence, the longer rehabilitation period applies.
- If a person receives new conviction during rehabilitation period:
  - (i) for a summary offence (i.e. can only be tried at Magistrates Court) both rehabilitation periods expire separately;
  - (ii) for a more serious offence (i.e. Which **could** be tried at the Crown Court) **neither** conviction will become spent until longest period expires.
- Cautions, reprimands and final warnings are not considered to be convictions and become “spent” immediately unless relevant to “excepted” posts.
- A spent conviction will remain on your criminal record. It is an offence for anyone to give information about spent convictions from official records except in the course of official duties.

## Filtering Arrangements for Disclosure of Criminal Record Information in Northern Ireland Effective 14<sup>th</sup> April 2014

### Introduction

This briefing provides an update on the arrangements for disclosing information about criminal records in Northern Ireland. It explains how the new filtering scheme will work in principle, but if you need more information or advice on your specific circumstances, please contact NIACRO's Employment Advice Line on 028 9032 0157, or email us at [niacro@niacro.co.uk](mailto:niacro@niacro.co.uk).

### What is filtering?

Filtering means that some old and minor convictions and other information (such as cautions/ informed warnings/ diversionary youth conferences) will no longer be automatically disclosed on Standard and Enhanced Access NI checks. This means that some conviction information, which previously would have been disclosed, may not be in the future.

### What will be disclosed?

While cautions or convictions which fall within the filtering scheme will no longer be automatically displayed on Standard and Enhanced Access NI checks, remaining relevant conviction information held on the applicant, on the criminal record database, will continue to be disclosed.

### Note for Enhanced Disclosure Checks (EDCs):

The PSNI may decide to include information about convictions/ cautions which have been filtered by Access NI on the basis that they might be relevant and ought to be disclosed. This will show up in the 'other information' section of the EDC.

### How do I know if my information will be 'filtered'?

If you have more than one conviction, they will not be subject to the filtering process. If you have one conviction which is not for a specified offence, which is serious, mostly relating to sexual, violent or drug related offending, then it may be subject to filtering. This means that after a certain period, they will no longer be automatically disclosed on Standard and Enhanced AccessNI checked, as outlined in the table below.

For a full list of specified offences, which are exempt from filtering, visit: <http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm>

As cautions, informed warnings and diversionary youth conferences are **not convictions** they will be considered separately to convictions. If the caution, informed warning or diversionary youth conference is not for a specified offence, then it may be filtered in accordance with the table below. If they relate to specified offences, then they will not be subject to filtering.