

South West College “Applicant Guidance Notes when Making a Disclosure”

Glossary of Terms

Application	This is the process that the College uses to allow someone to express an interest in a course. An application to a course can be made at any time but usually the process commences in January for the following September intake. Making an application does not guarantee a place on the course as this may be subject to the achievement of the academic criteria and/or a satisfactory interview. An application can be made directly online, or if assistance is required, in person at any of our campuses.
Conviction	A conviction is the outcome of a criminal trial in which the defendant has been found guilty of a crime.
Criminal record	A criminal record is a record of all offending behaviour and includes fines, cautions, reprimands, final warnings, diversionary youth conference and police information. An AccessNI Enhanced Certificate will return these records.
Enrolment	This is the process that College uses to sign up successful applicants to a course. It normally follows the application stage although generally, part time courses allow for enrolment directly onto a course.
Spent	Many convictions become ‘spent’ after a certain period of time under the Rehabilitation of Offenders Order 1978, meaning they do not have to be disclosed. However, even ‘spent’ convictions are disclosed on an Enhanced AccessNI Certificate.
Unspent	Some convictions will never become spent i.e., will always need to be disclosed. Prison sentences (both immediate and suspended) over 30 months in length are always ‘unspent’. Other convictions are subject to rehabilitation timeframes from the date of conviction and remain ‘unspent’ until the time has elapsed.

Q: What is the reason for South West College having a criminal disclosure policy and process?

Answer: South West College must balance its policy of equal opportunity and a fair admission process for all and its duty of care to its students and its staff. In order to do this, it has developed a policy and procedure for managing criminal record disclosures which seeks to

ensure that an applicant making a disclosure is not routinely refused access to a course of their choice.

Q: Can I apply for any course at South West College if I have a criminal record?

Answer: Anyone applying for a course at South West College must meet the entry requirements for that course. Some courses require an AccessNI check as part of the entry requirement or before a work placement commences. Where this applies, any convictions you have will be disclosed regardless of whether you have already made a disclosure and will be assessed against the requirement of the course you want to apply for. For example, anyone

with a conviction current or spent, of any offence against anyone considered a minor, vulnerable adult or the disabled may not be considered for a care related course unless first being cleared by a relevant regulatory body.

Q: What convictions do I need to disclose?

Answer: When applying for any course at South West College you must disclose any current convictions you have. You do not have to disclose any spent convictions. However, when applying for a “regulated” course such as child care or health and social care you must disclose all unspent convictions unspent. The course description will indicate if your course is regulated under the “Entry Requirement” section.

The Table below will help you to decide if your conviction is spent but should you require further advice you can contact Niacro (contact details are available on their website www.niacro.co.uk/contact-details)

Sentence	Aged 18 or over at conviction	Under 18 at conviction
Absolute Discharge	6 months	6 months
Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order	Date Order ceases OR 1 year – whichever longer	Date Order ceases OR 1 year – whichever longer
Attendance Centre Order Juvenile Justice Centre Order Youth Conference Order, Reparation Order, Community Responsibility Order	1 year after Order expires	1 year after Order expires
Hospital Order	5 years or 2 years after Order expires – whichever longer	5 years or 2 years after Order expires – whichever longer
Fine or Community Service Order Combination Orders	5 years	2½ years
Prison – (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less	7 years	3½ years
Prison – (immediate or suspended) OR Young Offenders Centre over 6 months up to and including 2½ 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 AND A HALF YEARS CAN NEVER BECOME SPENT Offences dealt with by sentences of 30 months imprisonment or more are never spent; in practice this means that the more serious offences must always be declared.

Notes

1. Consecutive sentences count as a single term when calculating the rehabilitation period.

2. If more than 1 sentence was given for an offence, the longer rehabilitation period applies.
3. If a person receives a new conviction during the rehabilitation period for a summary offence (which can only be tried at a Magistrates' Court), both periods expire separately.
4. If a person receives a new conviction during the rehabilitation period for a more serious offence (which could be tried at a Crown Court), neither conviction will become spent until the longer period expires.

Cautions, reprimands, and final warnings are not considered to be convictions. They may still appear on an Enhanced AccessNI certificate unless it has been filtered. For more information about filtering contact Niacro.

6. A spent conviction will remain on your criminal record.

Q Should I apply or enrol?

Answer: The College prefers that anyone with a criminal record interested makes an application first as this allows the College time to assess your application and to advise you if the course is appropriate for you and to discuss alternatives if a course is not appropriate. If you go straight to the enrolment process and then make a disclosure, your enrolment will be put on hold until the risk assessment process can be completed which may delay you starting course.

Q: How do I make a disclosure?

Answer: At the application stage you should submit the Criminal Records Disclosure Form which can be obtained on the on the College's website under the Policy section.

You should complete the form fully to avoid delays in processing your application. You may ask someone to assist you to complete the form, but you must give their name and organisation at the bottom of the form. Please use black ink and block letters when completing the form.

If you require advice about what you need to disclose you may contact Niacro. Their contact details are available on their website [/www.niacro.co.uk/contact-details](http://www.niacro.co.uk/contact-details)

Please note that when you sign the Declaration you are consenting to the College contacting your nominated referee and to your disclosure being shared with the College's Disclosure Panel for the purposes of assessment.

Once the form is completed you should place it in envelope and mark it “**Confidential - for the attention of the Designated Safeguarding Lead**”. Seal the envelope, put it inside another envelope and send it to:

**South West College Erne Campus
1 Cornagrade Road
Enniskillen
Co. Fermanagh
BT74 6DU**

Q: What happens next?

Answer: The College's Designated Safeguarding Lead or Adult Safeguarding Champion will convene a meeting of the College's Disclosure Panel (DP) to risk assess your application. The DP will consist of 3 people as follows:

- The Designated Safeguarding Lead or Adult Safeguarding Champion (Chair),
- The Safeguarding Assistant on the campus where the applicant wishes to study, and
- The Head of Faculty or nominated deputy responsible for the area of study the applicant wishes to pursue.

Following the meeting you will be written to with the outcome of the meeting which will be one of following 3 outcomes:

Green	Application accepted - proceed to enrolment.
Amber	Application accepted but with terms and conditions.
Red	Unable to proceed with application.

In the case of the outcome being Amber or Red you will be offered an explanation. If you are unable to proceed with your chosen course, you will be given an explanation and offered advice on what your options are regarding other courses where your conviction would not pose a barrier.

Q How long do I need to wait to hear the outcome of the risk assessment?

Answer: The College will endeavour to get back to you within 10 working days of receipt of your Criminal Records Disclosure Form. However, this may not be possible at certain very busy times of the year when the Panel may only meet once it has a number of Disclosure Forms to assess. If you do wish to ask about progress on your application, you are welcome to contact the Designated Safeguarding Lead by email dsl@swc.ac.uk or by phone 028 8225 0109.

Q What happens to the information I provide to the College?

Answer: The College will treat all disclosures confidentially. All documents will be kept in a locked filing cabinet only accessible to the Designated Safeguarding Lead. If you are unsuccessful in gaining a place at the College, all your documents will be destroyed by no later than 28 days of the decision of the Disclosure Panel. The only exception will be the notes of the Disclosure Panel which we will retain as a record of your application and the decision of the Panel. These notes will be kept in a spreadsheet by the Designated Safeguarding Lead and will contain minimum information i.e.:

- Your Name
- The course you applied for
- The date you applied for the course
- The date of the Panel decision
- The reason for refusal.

Q: What can I do if I am dissatisfied with the outcome of the Risk Assessment Panel?

Answer: Applicants who have been refused a place at College as a result of a Risk Assessment may appeal against this decision in writing within 14 days from the date on the letter to the Deputy Chief Executive Officer. The Deputy Chief Executive Officer will consider each individual case and confirm their decision to the applicant in writing. The decision of the DCEO is final.