



CRIMINAL CONVICTIONS POLICY

1. Purpose

5E Ltd is committed to the fair treatment of all learners and welcomes applications from a wide range of individuals including those with criminal convictions. We are committed to equality of opportunity and select individuals based on their skills, qualifications and experience and not on their background or personal circumstances. Having a criminal conviction, pending sentencing or bail conditions will not necessarily prevent someone from studying at 5E Ltd.

5E Ltd, however, has a duty of care to its learners, staff and the wider community to act reasonably to protect their health, safety and welfare. As a consequence, 5E Ltd requires applicants to disclose all unspent convictions (save for minor motoring offences) on their application, at their enrolment and upon re-enrolment. If a learner is convicted or placed on bail while on a course, the learner must advise their progress tutor/academic Tutor or one of the 5E Ltd's Designated Safeguarding Leads.

2. Scope

In order to meet the above responsibilities, 5E Ltd requires all learners to disclose or otherwise bring to the Organisation's attention any convictions, pending sentencing or bail conditions to enable 5E Ltd to review the potential risk posed by their enrolment. 5E Ltd will assess the risk with each applicant, or learner if the disclosure is made following enrolment on a course, to determine the level of risk posed by the conviction or bail condition to both the individual and/or to others.

The individual will be required to complete a Criminal Convictions declaration form (Appendix A) providing 5E Ltd with further information about the offence and, if required, contact details for any relevant third party e.g. a probation officer or Youth offending teams (YOT). Where required additional information will be sought from relevant agencies with the agreement of the individual involved. Continuing enrolment at 5E Ltd may be dependent on the individual's co-operation in the process including providing agreement for 5E Ltd to contact the necessary external agencies.

Sex offences must be disclosed if the applicant/learner is included on the Sex Offenders Register.

If a learner does not disclose a criminal conviction, pending sentencing or bail conditions at application or enrolment which are later disclosed, 5E Ltd reserves the right to withdraw the learner from their course and/or request that the learner does not return 5E Ltd until the risk assessment process has been completed.

5E Ltd will take all reasonable steps to respond to any disclosure at the time of application/enrolment. However, it is the responsibility of the learner to advise their progress tutor/academic Mentor or to contact one of the organisation's safeguarding team (details are displayed on all centres sites and to ensure the necessary risk assessment processes are completed.

3. Spent Convictions

Spent convictions are not considered to be relevant and an applicant or learner is not required to reveal them unless that applicant/learner is intending to enrol onto a Health and Social Care course or any course where a Disclosure and Barring Service (DBS) check is required.

Advice regarding whether a conviction is spent and should be declared can be obtained from the appropriate agency e.g. youth Offending Team/ Probation service or by visiting the online calculator www.disclosurecalculator.org.uk or www.unlock.org.uk for advice.

4. Procedure

Where applicants have advised us of any criminal convictions 5E Ltd will follow the process below (Appendix C);

- Additional information will be requested on a form to be completed and returned (Appendix A)
- Where necessary a risk assessment may be requested from a qualified professional source (Appendix B)
- A decision not to admit an applicant due to unacceptable risk will be at the discretion of an organisation nominated Panel.

In addition, where 5E Ltd is aware that a specific notification of conviction will mean they are unable to attend required placements or gainfully commence employment within their chosen sector this will be notified to the applicant and alternative options investigated.

5. Equality and Diversity

Learners can expect an inclusive and supportive learning environment whatever their background. This policy will ensure a fair and equitable process is applied when reviewing an applicant/learner's suitability for a course.

6. Linked Policies and Procedures

Learner Recruitment

Policy Data Protection

Policy Safeguarding

Learner Charter

7. Change Log

Date	Version number	Details of change	Review / Revision by	