Criminal Convictions Policy

Criminal Convictions Policy
Sponsor: Chief Operating Officer
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1. Purpose

1.1 This policy outlines MLA College's approach to the disclosure, assessment, and management of criminal convictions in relation to applicants and enrolled students.

1.2 MLA College is committed to widening participation and supporting access to higher education, including for individuals with criminal convictions, while ensuring that appropriate safeguarding considerations are met.

2. Scope

2.1 This policy applies to:

- All applicants to MLA College programmes
- All enrolled students

3. Definition of Relevant Criminal Convictions

3.1 The Rehabilitation of Offenders Act 1974 only requires applicants to declare convictions which are not spent. Relevant convictions include but are not limited to:

i. Offences listed in the Sexual Offences Act 2003 (in the United Kingdom; or equivalent Act outside of the United Kingdom);
ii. 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;
iii. Offences listed in the Terrorism Act 2006 (in the United Kingdom; or equivalent Act for outside of the United Kingdom);
iv. The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking;
v. Offences involving firearms, weapons, crossbows, and knives;
vi. Offences involving arson;
vii. Fraud;
viii. Offences of human trafficking, slavery, and forced labour;
ix. Offences related to any person under 18 considered a child under English law[1]see Children Act 2004.

4. Principles

4.2 MLA College will:

- Treat all disclosures fairly, confidentially, and without discrimination
- Consider each case individually
- Balance equity of opportunity with safeguarding responsibilities
- Ensure applicants are not disadvantaged by the timing of disclosure

5. Disclosure Process

5.1 Enrolment Stage- Applicants are required to declare any relevant unspent criminal convictions as part of the online enrolment process. This declaration forms part of the mandatory enrolment declarations and must be completed before enrolment can be submitted.

5.2 Applicants who declare a relevant unspent criminal conviction will be asked to provide further information regarding the nature of the conviction, including details of the offence, date of conviction, and any sentence imposed.

5.3 Applicants are directed to the Rehabilitation of Offenders Act 1974 and associated guidance when determining whether a conviction must be disclosed.

5.4 **During Study -** Students must inform MLA College if they receive a relevant criminal conviction during their studies. Failure to disclose may result in disciplinary action.

6. Risk Assessment Process

6.1 Where a declaration is made, MLA College will carry out a **risk assessment**, considering:

- Nature and seriousness of the offence
- Relevance to the programme of study
- Time elapsed since the offence
- Evidence of rehabilitation
- Potential risks to staff, students, and the College

6.2 The assessment will normally commence within 5 working days of receipt of all relevant information and supporting documentation.

6.3 The assessment will be conducted by:

- Head of Admissions and Safeguarding Lead
- Director of Admissions and Compliance (if required)
- College Executive Group (if required)

6.4 Where additional information is required, MLA College will contact the applicant in writing. Applicants will normally be given 10 working days to provide any requested information

6.5 MLA College will aim to communicate the outcome of the assessment within 10 working days of receiving all relevant information. Where a case is particularly complex or requires further consultations, applicants will be informed of the delay and provided with an updated timeframe.

7. Outcomes

7.1 Following assessment, MLA College may:

- Proceed with the application without conditions
- Request additional information
- Offer a place with specific conditions
- Decline the application where risks cannot be mitigated

7.2 Applicants will be notified of the outcome in writing by email. Where appropriate, the communication will include details of any conditions attached to an offer or information regarding the applicant's right to request or review of the decision.

7.3 Where a decision results in the refusal of enrolment, MLA College will provide the applicant with an explanation of the decision, subject to any legal of safeguarding considerations.

8. Students with Criminal Convictions

8.1 Where a conviction is disclosed during study:

- A risk assessment will be conducted
- Appropriate support will be considered
- Where necessary, MLA College reserves the right to **withdraw registration** if risks cannot be managed

8.2 This is reflected in the MLA College Terms & Conditions.

9. DBS Checks

9.1 As MLA College programmes are currently delivered **fully online via distance learning**, DBS checks are **not typically required**.

9.2 Should any future programmes (including those validated by partners such as The Open University) require DBS checks, this will be clearly stated in programme-specific documentation and incorporated into this policy.

10. Data Protection

10.1 Criminal conviction data is processed in accordance with:

- Data Protection Act 2018
- UK GDPR Article 10

10.2 MLA College ensures:

- Data is handled securely and confidentially
- Access is restricted to authorised personnel
- An Appropriate Policy Document (APD) is in place

11. Advice and Support

11.1 MLA College recognises that applicants and students may wish to discuss the disclosure of relevant unspent conviction before submitting information or during the assessment process. Guidance and support are available throughout the admissions and student lifecycle.

11.2 Applicants seeking advice regarding programme suitability, admissions requirements, or the disclosure process should contact the Admissions Team: admissions@mla.ac.uk

11.3 Students who are enrolled at MLA College and require any additional advice or support may contact the Student Experience Team, who can provide guidance on available support services and signpost students to appropriate internal or external sources of assistance. Email: student.experience@mla.ac.uk

11.4 Support may include:

- Information regarding programme suitability and admissions requirements
- Guidance on the disclosure process and supporting documentation
- Advice on study requirements and expectations
- Signposting to relevant policies and procedures of MLA College
- Referral to internal support services where appropriate
- Consideration of reasonable adjustments and support arrangements, where applicable

11.5 Applicants and students will not be disadvantaged for seeking advice regarding the disclosure of a relevant unspent criminal conviction and are encouraged to contact MLA College at the earliest opportunity if they have questions regarding this policy.