

## Guidance on Student Criminal Disclosures

### Why does the College have a student criminal convictions disclosure policy?

Belfast Met aims to treat all applicants fairly and in line with the Rehabilitation of Offenders (NI) Order 1978 (as amended), the Human Rights Act 1998 and the General Data Protection Regulation.

However, we also have a duty of care to do everything reasonable to protect our students, staff and visitors from potential harm. Our Student Criminal Convictions Disclosure Policy helps us to balance these responsibilities in order to provide a safe and inclusive College environment.

Disclosure does not usually prevent an applicant from being able to take up a place at Belfast Met. Occasionally, however, the College may decide that an applicant's convictions prevent them from joining a particular course, or from being able to study at the College at all.

If an applicant does not disclose, and the College later finds out about their conviction(s), they may be refused a place or asked to leave their course. Criminal records checks are carried out via AccessNI before a student can go on any work placement, so it is important to make full disclosure when applying for a course.

### Where can I find more information on the College's student criminal convictions disclosure policy?

This guidance summarises key elements of the policy. You can access the full policy by clicking on the link on the policies and procedures page of our website [www.belfastmet.ac.uk](http://www.belfastmet.ac.uk).

### Do I need to fill in a criminal disclosure form?

Have you ever had a criminal conviction?	<b>Yes</b> Fill in form CDF1 (unspent convictions only) <b>OR</b> Fill in form CDF2 (spent <b>AND</b> unspent convictions)	<b>No</b> You don't need to fill in a disclosure form
--	--	--

### Which form do I need to fill in?

#### CDF1 Student Criminal Offence(s) Disclosure Form

Most applicants will need to fill in form CDF1 and give information on their unspent convictions only. Convictions become 'spent' after a fixed period of time from the date of conviction. 'Unspent' convictions are still within that fixed period of time, so they have not yet become 'spent'. The table over the page shows which timescales apply to different types of convictions.

#### CDF2 Student Criminal Offence(s) Enhanced Disclosure Form

Certain 'excepted' professions and occupations are exempt from the Rehabilitation of Offenders (NI) Order 1978 (as amended). These include teaching, healthcare, social work, counselling or any other profession or occupation which involves working with children or adults at risk.

Applicants to any of the above 'excepted' courses must fill in form CDF2 to declare:

- all convictions received less than 11 years ago (or 5 ½ years ago, if aged under 18 at conviction)
- all convictions resulting in an immediate or suspended prison/Young Offenders' Centre sentence
- all convictions, cautions and Youth Conference Plans for 'specified offences' (murder, manslaughter, kidnap, hijack, money laundering, violent crimes, sexual crimes, safeguarding or child protection matters)
- All cautions less than 6 years old
- Youth Conference Plans for non-specified offences received less than 2 years ago
- Whether they are currently facing prosecution for any criminal offence

### Where do I need to send the completed form?

Send your completed form to the Head of Student Support. The form gives more details on this.

### What happens next?

Your information will be handled confidentially by the College's Safeguarding Team, in order to decide whether any risk to students, staff and visitors can safely be managed. As soon as the Safeguarding Team has made a decision, we will write to you to let you know the outcome.

### Where can I get more information or confidential advice on criminal disclosures?

You can contact NIACRO's Employment Advice Line (02890 320157) for more information or advice.

### Information on the Rehabilitation of Offenders (NI) Order 1978 (as amended)

The table below shows the fixed period of time from the date of conviction after which sentences become 'spent'. You only have to disclose 'spent' convictions if you are filling in form CDF2.

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 the Order ceases or 1 year – whichever is longer	
Attendance Centre Order, Juvenile Justice Centre Order, Youth Conference Order, Reparation Order, Community Responsibility Order	1 year after the Order expires	
Hospital Order	5 years, or 2 years after Order expires – whichever is longer	
Fine or Community Service Order Combination Orders	5 years	2 ½ years
Prison or Young Offenders' Centre – immediate or suspended sentence of 6 months or less	7 years	3 ½ years
Prison or Young Offenders' Centre – immediate or suspended sentence of over 6 months and up to 2 ½ years	10 years	5 years
Detention of less than 6 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	3 years
Detention of over 6 months but less than 30 months under Article 45 of the CJ (Children) (NI) Order 1998	N/A	5 years
<b>A CUSTODIAL SENTENCE OF MORE THAN 2 ½ YEARS (30 MONTHS) CAN NEVER BECOME SPENT</b>		

### Notes

1. Consecutive sentences count as a single term when calculating the rehabilitation period.
2. If more than one 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 new conviction is received 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.
5. Cautions, reprimands and final warnings are not considered to be convictions. They become 'spent' immediately unless relevant to 'excepted' posts.
6. A spent conviction will remain on your criminal record.