Student Criminal Convictions Disclosure Policy

Scope of Policy:	All Students
Policy Owner:	Head of Learner Success
Date of Initial Approval:	20/01/2017
Approved By:	Strategic Leadership Team
Status:	Current
Most Recent Publication Date:	30/10/2026
Equality Screening Date:	09/01/2017
Policy Review Date:	30/08/2027

Published by Belfast Metropolitan College www.belfastmet.ac.uk.

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Policy Compliance details:-

Compliance with Equality Legislation.

PLEASE NOTE: Policies must be equality screened before being submitted to SLT and Trade Unions:-

Equality Screening Date:	09/01/2017
Equality Screening Outcome:	Screened Out
Sector or Local Screening:	Local Screening
Consultation Date (if applicable):	Not Applicable
Equality Impact Assessment	Not Applicable
(EQIA) Date (if applicable):	Not Applicable
EQIA Key Outcomes:	Not Applicable

Document History

Version Number	Author	Updates/Amendments	Date
1.0	Learner Success	Policy reviewed by College Designated Safeguarding team. The following changes were made: Page 5 - Context – reworded from first person direction e.g. "you" to "a student". Page 7 - Non disclosure of relevant unspent convictions – grammar error. Page 7 - AccessNI Enhanced Disclosure Checks – removal of a partial sentence. Page 9 – School Partnership - provision updated to coincide with the developments from school links to school partnership. Page 10 - Appeals – modified to ensure gender neutrality.	09/01/2017
2.0	Learner Success	Policy transferred to new format	04/02/2019
3.0	Learner Success	Policy Review Aug 2021 Amendments to sections 4.2 clarifying spent convictions. "Offences dealt with by sentences of 30 months' imprisonment, or more are never spent; in practice this means that more serious offences must always be declared. Otherwise, the definition of 'spent' is complex, being affected by such factors as the type of the offence, the age at which the person was found guilty, and the sentence received." 4.4 Inclusion of "Some statutory or professional bodies/organisations may not allow a student to practice, based on their criminal disclosures, even after a student's successful completion of their course." 5 Inclusion of "The panel then determines whether the associated risk can safely be managed, and that their disclosure will have no impact on their professional careers upon the successful completion of their programme of study. A decision is then taken as to whether the applicant is approved for the admissions and enrolment process."	19/8/21
4.0	Learner Success	Review date changed to August 2024 3 Context	19/5/22

Version Number	Author	Updates/Amendments	Date
		Clarified the legal position on Filtered Offences with the inclusion: **Filtered Offences:** If convictions are over 11 years old (or 5 and a half years if under 18) these should not appear on an Access NI standard or Enhanced Certificate, unless 'specified'. Therefore, they should not be disclosed. Specified offences include: • murder, manslaughter, kidnap, hijack, money laundering • violence • sexual crimes • safeguarding or child protection matters Pg. 8: Referral to the College's Designated Safeguarding Team for advice. "Any student or member of staff who is unsure about a criminal record and how it may affect a college course should contact a member of the College's Designated Safeguarding Team for advice." Pg.9: Remove: ■ "A spent conviction will remain on your criminal record. This is no longer the case with the filtering legislation. Pg. 10 4.4 title, added in word "unfiltered". Added in: "(With the exception of filtered convictions)" 4.7 added in: all unfiltered Pg.11 7 remove: "and are kept securely in a locked safe pending secure disposal." We had to move away from this as a result of COVID restrictions.	
4.0	Corporate Development	Paragraphs 6 & 8 - Director of Curriculum and Learner Success changed to Deputy Chief Executive (Curriculum and Partnerships)	June 2022
5.0	Learner Success	Policy reviewed and amended to enhance clarity of narrative and definitions. Criminal Disclosures Panel membership updated.	October 2024

Version Number	Author	Updates/Amendments	Date
6.0	Learner Success	Policy reviewed to include the following minor changes, including making language more concise, and updating the following sections: • the possibility of having to make a disclosure to both Belfast Met and a partner institution (section 3) • the requirement to disclose ongoing engagement with the criminal justice system (section 5) • removal of reference to the suggestion of alternative courses in cases where the applicant is deemed unsuitable to attend their chosen course (section 4) • simplification of language in relation to AccessNI and Student Placement issues (sections 7 and 8) • changed references to 'Deputy Director of Curriculum and Learner Success' to 'Director of Development and Learner Success' (section 12)	October 2026

Distribution

This document has been distributed as follows:

Name	Date (where applicable)
Trade Union	N/A
Executive Leadership Team	N/A
Strategic Leadership Team	24 September 2019 (to note new format)
Committee	N/A
Governing Body	N/A
Issued to Corporate Development for publication	September 2019; June 2023; October 2024; October 2026

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1. Purpose of this Policy

The purpose of this policy is to ensure the safety and wellbeing of everyone in the College community by enabling proportionate, fair and evidence-based criminal disclosure decisions that balance equality of opportunity, safeguarding duties and data protection requirements.

2. Data Protection Statement

The information disclosed on criminal convictions is considered 'sensitive personal data' under the terms of data protection legislation. The College will ensure that all such information is processed and stored in accordance with its data protection policies and procedures and relevant legislation.

3. Scope of this Policy

This policy applies to everyone who is applying for, or who is already on, any course delivered at Belfast Metropolitan College.

This includes courses delivered at any Belfast Metropolitan College campus on behalf of another further or higher education institution. In such cases, the applicant will need to make a criminal disclosure to both Belfast Met and to the partner institution.

This policy also applies to prospective School Partnership Programme students. The partner school must advise the College of any prospective student who needs to make a criminal convictions disclosure, and the prospective student must submit the relevant criminal convictions disclosure form.

4. General Principles

Belfast Metropolitan College actively promotes equality of opportunity for all and welcomes applications from a wide range of applicants, including those with criminal convictions. We aim 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 legal obligation known as 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.

When a criminal disclosure is made, we assess the risk which the applicant may pose to themselves and to other students, staff and visitors.

A criminal disclosure will not prevent an application from being considered by the College, and the information disclosed will not necessarily prevent the applicant from enrolling and studying on the course of their choice.

Sometimes, however, an applicant's conviction(s) may preclude them from doing a particular course.

If it is later discovered that a student has relevant convictions which have not been disclosed, the student may be asked to leave the 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.

5. Disclosure Requirements

This Policy requires **all** applicants/students to declare:

- Any unspent criminal convictions (see Appendix 1 for the definition of 'unspent');
- Any new convictions received after they have applied for, or while they are studying on, a course at Belfast Met

All applicants/students must also declare:

- Any ongoing engagement with the criminal justice system for crimes involving safeguarding/child protection, sexual offences, serious violence, terrorism or serious drugs supply/trafficking. Ongoing engagement with the criminal justice system includes arrest, police interview, active police investigation, charge, bail or other police/court-imposed conditions and live court proceedings.

Applicants for, or students already on, **any healthcare-related, social work or counselling course, or any other course which might lead to a profession or occupation which involves working with children or adults at risk, must also** declare:

- Any spent criminal convictions (see Appendix 1 for the definition of 'spent'), unless those convictions are filtered (see Appendix 2 for the definition of 'filtered' and 'unfiltered').

In all cases, the disclosure must be made on the relevant Student Criminal Offence(s) Disclosure Form and sent to the Student Support mailbox studentsupport@belfastmet.ac.uk for confidential processing.

The disclosure must be made as early as possible, ideally at the same time as the online course application, or at least four weeks before the start of a 'direct enrol' course, to enable the disclosure to be processed before the course start date.

CDF1 Student Criminal Offence(s) Disclosure Form
Most applicants will need to fill in form CDF1 and give information on their unspent convictions only.

CDF2 Student Criminal Offence(s) Enhanced Disclosure Form
Applicants for courses which may lead to a career working with children or adults at risk need to fill in form CDF2 and give information on their spent, unspent and unfiltered convictions.

The forms are available on the Staff Intranet and on the College website:

https://www.belfastmet.ac.uk/studentcriminaldisclosures/ .

6. Advice on Student Criminal Convictions Disclosures

The terminology used in this Policy is derived from relevant legislation including the Rehabilitation of Offenders (NI) Order 1978 (as amended). While this Policy and its appendices aim to present the relevant information as simply as possible, the College appreciates that the terminology can be confusing.

Any applicant, student or member of staff who is unsure about the process should contact a member of the College's Criminal Disclosures Panel for advice.

The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) can give advice on queries about disclosure (telephone number 028 9032 0157, Email: niacro@niacro.co.uk).

7. AccessNI Enhanced Disclosure Checks

For some courses, such as social work and counselling, disclosure is required by law or by an external statutory or regulatory body. This is in addition to the requirement for applicants to make a criminal disclosure to Belfast Met when applying for their course.

Course teams will specify the courses for which AccessNI enhanced checks are required and advise students of the College's enhanced disclosure process. If a student does not cooperate with this process, or if they fail to share their AccessNI Enhanced Disclosure certificate within the required timeframe, they may be withdrawn from their course.

Even if the College decides to admit an applicant to a specific course, the relevant professional body or organisation (e.g., the General Medical Council or The Training and Development Agency for Schools), or companies acting on their behalf, may view particular offences as unacceptable.

Some statutory or professional bodies/organisations may not allow the individual to practise, on the basis of their criminal disclosure information, even after the successful completion of their course.

8. Student Placements

AccessNI Enhanced Disclosure checks are carried out as part of the student placement process.

Although the College may have decided to admit a student to a course following a criminal disclosure, a placement provider might later decide not to accept the student on a placement. If the placement is an integral part of the course, it may not be possible for the student to proceed with their studies.

9. College Criminal Disclosures Panel

The College Criminal Disclosures Panel is made up of the following managers:

- Head of Learner Success
- Pastoral Care Manager
- Student Services Manager
- Centre Manager for Student Wellbeing

Where a risk assessment is deemed necessary, a Panel comprised of three of the above managers will be convened to assess the level of risk associated with the disclosure. This may involve input from external professionals (e.g., the Police Service of Northern Ireland or the Probation Board for Northern Ireland), as appropriate.

The Panel will determine whether the risk can safely be managed by the College and whether the application can proceed through the admissions and enrolment process, or whether an existing student can remain on their course. In all cases, the Panel's decision will be made on the basis of the available information and will be proportionate to the identified safeguarding risk.

The applicant will be advised of the Panel's decision as soon as possible.

10. Confidentiality

The information considered during the criminal disclosure process may be shared with relevant College staff, but on a need-to-know basis only.

11. Retention and Disposal of Data

In line with the College's Retention and Disposal Schedule, all student criminal convictions disclosure information is kept on file for 7 years. As these records are classed as 'sensitive personal data', the files are kept electronically in a restricted-access folder visible only to the College Criminal Disclosures Panel and the Departmental Administrator for Learner Success.

12. Appeals

Applicants who have been refused a place at the College following a risk assessment may submit a letter of appeal to the Director of Development and Learner Success within 14 days of the date of the decision letter. The Director of Development and Learner Success will consider the case and inform the applicant of the appeal outcome in writing.

13. Complaints

It is hoped that we will be able to resolve any complaint through the College complaints procedure. If the customer remains dissatisfied with the outcome, they have the right to raise the matter with the Northern Ireland Ombudsman's Office (in his/her role as Commissioner for Complaints).

The customer can complain to the Ombudsman; however, the Ombudsman will normally only consider a complaint after it has been managed in accordance with the College's Customer Complaints Policy.

Contact details for the Ombudsman are:

Northern Ireland Public Services Ombudsman
Progressive House
33 Wellington Place
Belfast
BT1 6HN

14. Review

This policy will be reviewed by the end of August 2027.

Appendix 1 – 'Spent' and 'Unspent' Convictions

Sentence	Rehabilitation Period
Custodial sentence of over 30 months	N/A - never becomes spent
Custodial sentence of more than 6 months but less than 30 months	10 years (5 years if convicted and person is under 18)
Custodial sentence of less than 6 months	7 years (3 ½ years if person is under 18 when convicted)
Fine or Community Service Order	5 years (2 ½ years if person is under 18 when convicted)
Probation	For the period of the order or one year, whichever is longer
Detention in a place directed by the Minister of Justice/the Secretary of State under Article 45 of the Criminal Justice (Children) (NI) Order 1998	Detention of 6 months or less – 3 years Detention of over 6 months but less than 30 months – 5 years
Attendance Centre Orders, remand home orders, training school orders, juvenile justice centre orders	1 year after the order expires
Care and supervision orders under the Children and Young Persons' Act (NI) 1998	The date the order ceases or 1 year, whichever is longer
Hospital orders under the Mental Health Act (NI) 1961 or the Mental Health (NI) Order 1986	5 years from the date of conviction or 2 years after the order expires, whichever is longer
Disqualification and other orders imposing disability, prohibition or other penalty	The date the order ceases
Absolute discharge	6 months
Any other sentence for which the Order does not specify a specific period	5 years (2 ½ years if under 18 when convicted)

Notes

1. Criminal convictions may be considered 'spent' after a specified period of time.
2. This specified period of time is known as the 'rehabilitation period'.
3. If someone is still in their 'rehabilitation period', their conviction is unspent.
4. Any custodial sentence of over 2 ½ years (or 30 months) will never become spent.
5. Cautions, diversionary youth conference plans and informed warnings are automatically spent.
6. Any references above to custodial sentences apply equally to suspended custodial sentences.
7. Any references above to Northern Ireland-specific legislation also apply to the equivalent legislation in England, Scotland or Wales.
8. Consecutive sentences count as a single term when calculating the rehabilitation period.
9. If more than one sentence was given for an offence, the longer rehabilitation period applies.
10. 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.
11. If a new conviction is received during the rehabilitation period for a more serious offence, neither conviction will become spent until the longer period expires.
12. A spent conviction will remain on the person's criminal record.

Appendix 2 – 'Filtered' and 'Unfiltered' Convictions and 'Specified Offences'

'Filtered' convictions are convictions for minor or certain old offences which will not appear on a criminal record check and **which do not have to be disclosed**.

Filtering **does not** remove convictions for serious offences or convictions that resulted in **a custodial sentence or a suspended custodial sentence**.

The table below shows the types of conviction which can be filtered and the relevant time period in each case.

Type of conviction	Aged 18 or over at time of conviction	Aged under 18 at time of conviction
Convictions for non-specified offences (except when the outcome was a custodial sentence or a suspended custodial sentence)	Filtered after 11 years	Filtered after 5 ½ years
Cautions for non-specified offences	Filtered after 6 years	Filtered after 2 years
Diversionary Youth Conferences for non-specified offences	N/A	Filtered after 2 years
Informed warning for non-specified offences	Filtered after 1 year	Filtered after 1 year

As only **'non-specified offences'** can be filtered, **'specified offences'** will by default **always** appear on a criminal record check. This type of offence does have to be disclosed, when requested, no matter when the conviction was received or the age of the person at the date of conviction.

'Specified offences' include convictions for **committing**, **trying to commit** or **encouraging** or **helping** someone else to commit:

- murder, manslaughter, kidnap, hijack, money laundering;
- violent crimes;
- sexual crimes; or
- crimes involving safeguarding or child protection matters.