



Student Disclosure Policy and Procedures

Date of most recent review: July 2016

Date of Next Review: June 2019

Responsibility: Assistant Principal (Support and Student Services)

Please ask if you, or someone you know, require this document in a different format or language.

1. Introduction

This policy and associated procedures applies to all students enrolling on programmes where the College deems it a requirement for students to disclose any previous criminal record. The College will ensure appropriate checks are undertaken on all students enrolling on a programme which potentially may include unsupervised activity working with vulnerable adults or children. Programmes on which students are currently required to disclose any previous criminal record are listed in Appendix 1.

Anyone enrolling on a programme listed in Appendix 1 will be required to submit a disclosure request to the Disclosure Scotland Scheme, which also incorporates the Protecting Vulnerable Groups (PVG) Scheme. The PVG Scheme ensures that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour. The decision to enrol an applicant or allow them to continue to study on a programme listed in Appendix 1, will take into account the outcome of this disclosure check.

Students enrolled on programmes not listed in Appendix 1 should not participate in any activity which places them in contact with children or protected adults, in an unsupervised situation, e.g. activities associated with the Volunteering unit included in SCQF Level 5 programmes.

2. Policy Statement

The College complies fully with the Code of Practice issued by Scottish Ministers, in connection with the use of information provided to registered persons and other recipients of information by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for positions of trust. We undertake to treat all applicants for positions fairly and not to discriminate against the subject of a Disclosure on the basis of conviction or other information revealed.

The College is committed to equality of opportunity, following practices and providing a service free from unfair and unlawful discrimination, specifically on the grounds of gender, race, disability, age, sexual orientation and religion or beliefs.

3. Application Procedure

3.1 Start of July

All applicants offered a place on programmes listed in Appendix 1, will be sent an explanatory letter (Appendix 3 for FE applicants or Appendix 4 for HE applicants) together with the PVG application form and the Disclosure Scotland statement.

By the end of July

Applicants complete the forms and return them to college.

Applicants offered places on programmes after the start of July, will be sent the PVG information and forms, together with the offer letter.

- 3.2 Within two weeks of the date recorded on the explanatory letter, applicants should return the completed forms and three sources of identification to Student Services for checking.
- 3.3 For HE students the cost of the disclosure check is met directly by the applicant.
- 3.4 For FE students who receive a Bursary, the cost is paid directly by Student Finance via the student's bursary award. For FE students who do not receive a bursary, college pay the cost and invoice the student for reimbursement.
- 3.5 Pending the return of the PVG application from Disclosure Scotland, all applicants are required to self-disclose in confidence to the Student Advice Manager, any previous criminal convictions which may have an impact on the decision to offer a place on a programme listed in Appendix 1. These students are still required to complete a PVG application and enrolment or continuation on a programme will still be subject to the outcome of the PVG application.
- 3.6 Once clerical staff confirm the PVG application is complete, the applicant's SITS record is updated. If no criminal record has been disclosed to the Student Advice Manager, the applicant is permitted to enrol. However, if a criminal record is disclosed, the procedure identified in Section 4 below should be followed.
- 3.7 The PVG application is then forwarded to a Disclosure Scheme signatory (usually the Student Advice Manager) for signing and is then submitted to Disclosure Scotland.

- 3.8 The applicant and the College both directly receive the outcome of the disclosure check from Disclosure Scotland. Based on the information received, a decision is made whether to allow the applicant to continue with the programme they have enrolled on (see Section 4).
- 3.9 No student will be allowed to undertake a placement, work experience or activity that involves working unsupervised with children and/or vulnerable adults, until the disclosure check has been returned to college and cleared by the Student Advice Manager.
- 3.10 Students returning in a new academic session are required to sign a new Disclosure Scotland statement, in order to renew their commitment to adhering to this procedure. Returning students will have their PVG reviewed by the Student Advice Manager, to ensure they continue to meet the requirements of their new programme.
- 3.11 For the courses listed in Appendix 1, an up to date report on the status of an applicant's PVG applications will be kept in a restricted access folder on the Staff Shared Drive. Access will be restricted to include:
- Student Advice Manager,
 - Nominated Clerical Assistant.
 - Directors of Curriculum and Quality,
 - Assistant Director from the following areas:
 - Health and Social Care
 - Childcare
 - Sport
 - A nominated academic member of staff from the following areas:
 - Health Care
 - Social Care
 - Childcare
 - Sport
- 3.12 During the enrolment process, checks will be in place to ensure that, where relevant, students have submitted their PVG application. Where this is not the case an opportunity will be available for the student to complete their application at that time. Students will also be asked to self-disclose in confidence to the Student Advice Manager, any previous criminal convictions which may have an impact on the decision to offer a place on a programme.

3.13 Prior to a student undertaking an activity requiring a PVG check, it is the responsibility of the relevant nominated academic member of staff, to check the student has a satisfactory PVG record.

4. Decision to Offer a Place

4.1 Where a PVG Disclosure check or an applicant's self-disclosure reveals convictions, a judgement will be made whether to allow the applicant to enrol on a designated programme (Appendix 1) based on the nature of the offence; the time period that has elapsed since the offence was committed and any pattern of repeat offending behaviour. Having a criminal record will not necessarily debar applicants from being offered a place on a programme, but academic staff should be satisfied a satisfactory placement can be secured and that the applicant will ultimately be eligible to work in the associated industry or be eligible to progress to study at other institutions. The Student Advice Manager will support any applicant who may have specific queries regarding this process.

4.2 There are certain categories of offence which will make a student ineligible to be offered a place on any of the programmes listed in Appendix 1. The following categories are not exclusive or exhaustive but include:

- a) Any applicant who has already been barred by Disclosure Scotland to work with vulnerable groups.
- b) Repeated Offences

4.3 For all other offences, the decision whether an applicant is suitable to enrol on one of the designated courses (Appendix 1), will normally be made by a panel of three staff which will include the Student Advice Manager, the relevant nominated academic member of staff and one other person from the list identified at 3.11 above, excluding the Director of Curriculum (Student Services) who will consider any appeals.

4.4 Prior to the panel meeting, the Student Advice Manager will meet with the applicant to gather information about their conviction and will present this information to the panel, on behalf of the applicant. Any relevant information offered by the applicant about the circumstances surrounding the offence being committed, or any change in circumstances since the conviction, will be taken into consideration.

4.5 The nominated Clerical Assistant will record the date of the applicant's meeting with Student Advice Manager and the panel meeting at which their case will be considered. If the applicant has already enrolled but has not met with the Student

Advice Manager before the panel meeting is held, then the applicant should be suspended until such time as they meet with the Student Advice Manager.

- 4.6 During the meeting with the applicant and the subsequent panel meeting, the college undertakes to ensure an open and measured discussion on the subject of any offences or other matters that might be considered relevant.

However failure to reveal information that is directly relevant for the position being considered, could lead to withdrawal of an offer of a place on the course or withdrawal from the course if the student has already enrolled.

Applicants who choose not to admit all offences within the required procedures could find that a minor offence has resulted in their rejection because it was compounded by a lack of openness/honesty.

- 4.7 Panel meetings will be scheduled on a weekly basis from the middle of August to the end of September. Thereafter, they will be held as and when required.
- 4.8 The following is a guideline to provide support and assist consistent decision making, however it should not be used isolation:

Traffic Offences

Normally these offences are not a bar to acceptance; however exceptions are offences which include substance abuse or injury to, or loss of human life. These cases are considered on an individual basis.

Criminal Offences

- a) Normally offences punished by fines or community service, are not eligible for consideration until at least 3 years after the penalty has been completed.
- b) Normally offences punished by a prison term, are not eligible for consideration until at least 5 years after the penalty has been completed
- 4.9 The Student Advice Manager will notify the student of a decision not to offer a place on a course due to disclosure issues and will refer the student to Student Services for further careers advice.
- 4.10 The Student Advice Manager is responsible for maintaining records of panel discussions and decisions.

4. Appeal against Decision

Any applicant who wishes to challenge the decision made by the panel should write to the Assistant Principal (Support and Student Services) within 10 working days of receipt of the decision.

6. Storage of Disclosure Information

The College does not use any information obtained through the Disclosure process for any purposes other than that for which it has been provided.

The information obtained through the Disclosure process is sensitive, personal information, and as such will be handled responsibly and in compliance with the College's Records Management policy.

Appendix 1

Programmes on which students are currently required to disclose any previous criminal record:

FE

NQ Playwork and Early Education and Childcare SCQF Level 5
NC Early Education and Childcare (Higher)

Steps to Work Care, Level 4
NC Child, Health and Social Care, Level 5
NC Health and Social Care at Higher (Health)
NC Health and Social Care at Higher (Social)
NC Access to Nursing

NC Sport and Fitness, Level 5
College Course: Sport and Fitness, Level 6

COSCA Counselling Certificate

HE

HNC Early Education & Childcare

HNC Care and Administrative Practice

Diploma in Counselling

HNC/HND Fitness, Health and Exercise
HNC/HND Sports Coaching with Development of Sport

Post Graduate Diploma in Education

Students on other programmes may also have to go through the disclosure process dependent upon the nature of their work placement.

Appendix 2: Disclosure Scotland Statement



DISCLOSURE SCOTLAND

STATEMENT

If you are a student who is enrolling on a programme which requires you to undertake a placement, work experience or may involve you in working with children and/or vulnerable adults, you will be asked to undertake a Disclosure Scotland check and become a member of the Protection of Vulnerable groups (PVG) scheme. This check allows us to establish whether you have any criminal convictions, or whether local police hold non-conviction information about you.

You are required to inform the Student Advice Manager, of any information relating to charges, offences or convictions that will be returned on your Disclosure Scotland check. Once your Disclosure Scotland check has been provided to college, you are required to inform the Student Advice Manager of any new charges or offences that occur during the duration of the programme you are enrolled on.

Having a conviction does not necessarily disqualify you from working with children and/or vulnerable adults but we do need to be kept advised of your current circumstances.

Giving false information or failure to disclose information could result in you being withdrawn from your programme

I have read and understood the above statement.

Signature: _____

Full Name: _____

Course: _____

Date: _____

Appendix 3: Letter to FE Student

Dear Student,

Disclosure Scotland - PVG

As you are aware the programme you have applied for requires you to become a member of the Disclosure Scotland PVG scheme, in order to determine your suitability to undertake activities involving you working with children and/or vulnerable adults. It is **essential** we have this in place **before** you enrol on your programme.

Please read the guidance notes and then complete the enclosed PVG application form. You are also required to read and sign the enclosed Disclosure Scotland statement. Within **two weeks** of receiving this letter, please bring into college:

- A signed copy of the Disclosure Scotland Statement
- Your completed PVG application form
- **Three** pieces of evidence for Proof of Identification i.e. Birth Certificate, Drivers Licence or Passport. (If you have also applied for a Bursary and still need to bring in your evidence to submit this application, you may wish to take the opportunity to do both at the same time).

If you have an existing current PVG Disclosure please contact Student Services on 01343 576354 and an alternative form will be sent out to you. Please note the PVG scheme only came into effect on February 2011, so if your last disclosure check was before this date you will **NOT** be a member of the PVG scheme.

You do not need to fill in the payment method section. If you are eligible for a Bursary the payment will come out of college funds. If you are not eligible for a Bursary you will be invoiced for a payment at a later date.

Failure to submit your PVG application to the college will prevent you from enrolling on your chosen programme.

If you have any problems with filling in the form please contact Student Services on 01343 576354 or alternatively, pop in and see us in Student Services between 8.45am and 4.30pm where we will be happy to help you. We are open all summer!

We look forward to receiving your information.

Yours sincerely

Heather C Henderson
Student Advice Manager

Appendix 4: Letter to HE Students

Dear Student,

PVG Disclosure

As you are aware the programme you have applied for requires you to become a member of the Disclosure Scotland PVG scheme, in order to determine your suitability to undertake activities involving you working with children and/or vulnerable adults. It is **essential** we have this in place **before** you enrol on your course.

Please read the guidance notes and then complete the enclosed PVG application form. You are also required to read and sign the enclosed Disclosure Scotland statement. Within **two weeks** of receiving this letter, please bring into college

- A signed copy of the Disclosure Scotland Statement
- Your completed PVG application form
- **Three** pieces of evidence for Proof of Identification i.e. Birth Certificate, Drivers Licence or Passport. (If you have also applied for a Bursary and still need to bring in your evidence to submit this application, you may wish to take the opportunity to do both at the same time).

If you have an existing PVG Disclosure please contact Student Services on 01343 576354 and an alternative form will be sent out to you. Please note the PVG scheme only came into effect February 2011 so if your last disclosure check was before this date you will **NOT** be a member of the PVG Scheme.

As a Higher Education student you are required to pay for the PVG check. The current charges are £59 for a new application and £18 to update an existing membership. Please make sure you complete the payment method section on the form, making sure all details are correct and your card is current and valid. It can take some weeks for Disclosure Scotland to process your application, so ensure sufficient funds remain in your account to cover the payment once it is requested.

If you have accepted a conditional offer of a place on a course, your PVG application will not be submitted until you are offered an unconditional place.

Failure to submit your PVG application to the college will prevent you from enrolling on your chosen course.

If you have any problems with filling in the form please contact Student Services on 01343 576354 or alternatively, pop in and see us in Student Services between 8.45 am and 4.30pm where we will be happy to help you. We are open all summer!

We look forward to receiving your information.

Yours sincerely

Heather C Henderson
Student Advice Manager