



Policy on

Disclosure of Criminal Convictions (Students)

Approved

7th September 2026

Approved by

Senior Leadership Team

Policy Title	Disclosure of Criminal Convictions (Students) Policy
Document Owner	Head of Advice Support Careers

Directorates and Departments affected by this Policy	All Staff
Policy Effective From	May 2026
Next Review Date	May 2029

New College Durham is committed to safeguarding and promoting the welfare of children and young people, as well as vulnerable adults, and expects all staff and volunteers to share this commitment.

If you require this document in an alternative format and/or language, please contact records@newdur.ac.uk

We review our policies regularly to update them and to ensure that they are accessible and fair to all. All policies are subject to equality impact assessments which are carried out to determine whether the policy has, or is likely to have, a different impact on those with protected characteristics. We are always keen to hear from anyone who wants to contribute to these impact assessments and we welcome suggestions for improving the accessibility of fairness of this and all College policies.

Other policies and procedures mentioned in this document will be published internally and externally in these locations:

[Website](#)

This policy has been assessed for its compliance with the principles of the OIA Good Practice Framework.

Equality Impact Assessed: May 2026

Accessibility Check: May 2026

To make suggestions or to see further information please contact:

Head of ASC

asc@newdur.ac.uk

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1. Scope

This policy will cover the collection and further processing of criminal conviction data from students and will facilitate compliance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Disclosure and Barring Service (DBS) Code of Practice¹ and UK Data Protection Law.

2. Responsibilities

The Senior Leadership Team are responsible for ensuring the College has a policy concerning the collection and further processing of criminal conviction data for students.

Programme Leaders are responsible for identifying clearly where a programme requires that a DBS check be carried out prior to a student being enrolled and identifying which types of conviction would prevent entry to a programme.

The Designated Safeguarding Lead and Deputies are responsible for ensuring risk assessed decisions are made on allowing students to attend the College campus.

The Head of Advice Support and Careers (ASC) is responsible for ensuring criminal conviction declaration data is processed appropriately.

3. Policy Statements

a. Provision of information

The College will make this policy and the Disclosure Barring Services (DBS) Code of Practice available to all applicants for all programmes and courses. The DBS Code of Practice is available at: [DBS code of practice](https://www.gov.uk/government/publications/dbs-code-of-practice). For programmes requiring a DBS check, a link to the DBS Code of Practice and this policy will also be included on the relevant public-facing programme page so that applicants can access the information before applying. The information will remain available to students at enrolment and during their studies.

The College guarantees that any criminal conviction information disclosed will only be seen by those who need to see it as part of the admissions decision.

New College Durham ensures that those staff that are involved in the admissions process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation, e.g. the Rehabilitation of Offenders Act 1974, Data Protection Act 2018.

¹ [code of practice \(https://www.gov.uk/government/publications/dbs-code-of-practice\)](https://www.gov.uk/government/publications/dbs-code-of-practice)

b. Fair processing

The College is committed to the fair treatment of its students and undertakes not to discriminate unfairly against any individual who discloses a conviction directly to us, or via a DBS check. The College actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

We will only ask an applicant to provide details of convictions and cautions that New College Durham are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended) we will only ask an individual about convictions and cautions that are not protected.²

When a potential student discloses a criminal conviction the College will ensure they are aware of any restrictions on their ability to participate fully in the study programme, practice in the field or find work in that profession and advise on how they might maximise the value of the proposed programme/course.

Any discussion or risk assessment related to criminal convictions will be conducted separately from the course interview.

c. Programmes requiring a DBS

For those programmes where a DBS check is an entry requirement, the rationale will be set out in the programme handbook and on the relevant programme page. Applicants will be informed of the DBS requirement at application stage. Where practicable, the DBS application/check will be initiated before enrolment and sufficiently early to allow the College to consider any relevant information before the student commences the programme or a placement. Where a DBS check cannot be completed before enrolment, any offer/enrolment may be subject to satisfactory completion of the check and the student may be restricted from relevant activity or placement until the outcome is confirmed.

Any failure to disclose relevant convictions/cautions in line with the above legislative requirements could result in disciplinary action by the College and may result in the student leaving their programme of study.

Applicants for programmes requiring a DBS will be informed at application stage and this detail will also form part of the programme handbook that is available on the College website.

² Appendix 1 provides more information on Protected convictions

d. All programmes – Application

Applicants for a course which requires a DBS will be provided with a link to the DBS Code of Practice, this policy and the following information as part of the application process:

“The course you are applying for requires a DBS check to ensure you will be able to take up any related work placement and meet the fitness to practise requirements of relevant Professional, Statutory or Regulatory Bodies. If relevant information is identified through the declaration or DBS process, the College will undertake an individual risk assessment. Depending on the outcome, you may not be able to join or continue on the study programme.”

We ask that you please indicate here if you have any spent or unspent convictions or other punishments which are not protected by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

For information on what an ‘**spent or unspent conviction**’ means, please see Appendix 1 and the linked guidance.

Please tick here to indicate if you have a relevant spent or unprotected unspent criminal conviction [checkbox]

If you wish to disclose further details or speak to our ASC team, please tick here and we will contact you to discuss [checkbox]

All other direct applicants will be presented with the following question on the application form:

“The College is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. Please indicate if you have any relevant unspent criminal convictions. Relevant convictions are described in section 3g of this policy.”

For information on what an ‘unspent conviction’ means, please see Appendix 1 and the linked guidance.

Please tick here to indicate if you have a relevant unspent or unprotected spent conviction [checkbox]

If you wish to disclose further details or speak to our ASC team, please tick here and we will contact you to discuss [checkbox]

UCAS applications

Applicants who apply through UCAS will be asked, shortly after the College receives their UCAS application, to complete the College’s criminal convictions declaration process. This will ask the same relevant unspent criminal conviction question as the College’s direct

application process. The declaration should normally be completed before an offer is confirmed so that any required assessment can be undertaken at an early stage and the applicant is not disadvantaged by a late decision.

Where a declaration is made, the application will be referred into the risk assessment process in section 3i before a final admissions decision is made. If the declaration is not returned within the requested timeframe, the College may contact the applicant to seek completion before progressing the offer.

e. All programmes – Enrolment

At enrolment, applicants should be presented with the following statement:

“When you applied to study with us you were asked to disclose any relevant unspent criminal convictions. The information you provided is shown below. If you did not complete the College declaration process at application stage, including where an application was received through UCAS, you will be required to complete it before enrolment is finalised.”

The applicant should be presented with the same declaration question used at application stage, with any information already provided pre-filled so that it can be confirmed or amended.

f. Failure to disclose

If, at any stage during a student’s period of study, it becomes known that the student failed to disclose a relevant unspent criminal conviction, legal restriction, licence condition or court order when required, or failed to notify the College promptly of a relevant criminal conviction or other relevant change arising during their studies, this may be treated as gross misconduct under the Student Disciplinary Procedure. Following investigation and, where appropriate, a risk assessment, sanctions may include termination of the student’s registration with the College.

g. Disclosure of relevant criminal convictions

You must disclose any relevant unspent criminal convictions when you apply/enrol to study with us. 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 that resulted in actual bodily harm;

- iii) **Offences listed in the Terrorism Act 2006** (in the United Kingdom; or equivalent Act outside of the United Kingdom);
- iv) **The unlawful supply of controlled drugs or substances**, particularly 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 the age of 18** (as considered a child under English law, e.g., Children Act 2004).

h. Disclosure of Court Orders, Conditions or Restrictions

You must also inform us if you are currently, or become, subject to any licence, order, condition or restriction imposed by a court or Criminal Justice Agency that may prevent you from fully engaging with your course or the wider New College Durham community. If such a restriction or condition arises during your studies, you must notify the College promptly. This includes:

- x) **Sex Offender Registration and Sexual Harm Prevention Orders** (in the United Kingdom; or equivalent Orders outside of the United Kingdom);
- xi) **Restrictions that limit your contact or association with children and young people**, for example, individuals under the age of 16 or under the age of 18;
- xii) **Supervision, monitoring, or conditions imposed by counter-terrorism agencies;**
- xiii) **Slavery and Trafficking Prevention Orders or Risk Orders.**

i. Relevant criminal convictions received during study

All students, on all programmes, must inform the College promptly if they receive a relevant criminal conviction at any time during their period of study. This requirement applies whether or not the programme requires a DBS check. Students must also promptly disclose any relevant legal restriction, licence condition, court order or other change described in section 3h that arises during their studies.

A declaration made during study will be considered under the risk assessment process in section 3j. The College will consider reasonable and proportionate risk-management measures where possible. If, following risk assessment and consideration of possible mitigations, the College determines that it can no longer safely or appropriately accommodate the student, it reserves the right to end the student's registration.

Failure to make a required declaration promptly may be treated as gross misconduct under the Student Disciplinary Policy and Procedure.

j. Risk assessment process

Stage One: Initial declaration

Students must declare any relevant unspent criminal convictions and any relevant legal restrictions, conditions or orders during the application and enrolment process. All students must also make a prompt declaration if a relevant criminal conviction, restriction, condition or order is received or imposed at any time during their studies.

Any member of New College Durham staff who receives such a declaration must communicate the declaration to a Deputy Designated Safeguarding Lead (Deputy DSL) as soon as possible. The receiving member of staff must not delay this referral while seeking further information or determining the relevance or significance of the declaration. The Deputy DSL will ensure that the appropriate College process is initiated.

Where a declaration is made, the College will normally contact the applicant/student within 5 working days to request any further information required. The College will explain the next steps and, where possible, provide an indicative date for completion of the assessment.

Stage Two: Further information

Applicants/students who disclose a relevant unspent criminal conviction or relevant legal restriction will be required to complete a self-declaration form and provide sufficient information for the College to determine whether a formal risk assessment is required.

The information requested includes:

- Details of any current legal restrictions, licence conditions, or court orders
- Information relating to supervision or monitoring arrangements with external agencies
- Any restrictions relating to contact with others, access to facilities, placements, or use of online systems

Where appropriate, and where there is a lawful basis to do so, the College may request further information from relevant external agencies or professionals, including Probation Services, Youth Justice Services or the Police. Where consent is required, this will be sought from the applicant/student.

The information provided will be reviewed to determine whether a formal risk assessment is required. The College will aim to complete this initial review within 10 working days of receiving all information necessary to make the assessment.

Stage Three: Risk assessment and outcome

Where required, disclosures will be considered through a formal risk assessment undertaken by the Designated Safeguarding Lead and Deputies. The assessment will be individual, evidence-based and proportionate, and will consider whether identified risks can be managed through reasonable conditions, support or restrictions.

The risk assessment will consider:

- the nature and subject of the programme of study;
- risk to other students at the college
- the nature of the offence (s);
- the number and pattern of the offences (if there is more than one);
- the circumstances and background of the offence(s);
- how long ago the offence(s) occurred and the age of the offender when the offence(s) occurred; and
- whether the individual has accepted responsibility for their actions.
- Information provided by external agencies
- Appropriate support measures and risk management arrangements

Following review, the College may:

- **Approve admission / continuation at the college based on the evidence provided.**
- **Approve admission / continuation on the college subject to an agreed conduct contract and/or specific conditions or restrictions.**
- **Decline admission to the College or, for an enrolled student, terminate registration where the College determines that identified risks cannot be managed safely or appropriately after consideration of possible mitigations.**

Decision notification and timescale

The College will aim to notify the applicant/student of the outcome in writing within 10 working days of the risk assessment. If the assessment is likely to take longer, the applicant/student will be informed of the reason for the delay and given a revised indicative timescale.

The written outcome will state the decision, the principal reasons for it, any conditions or risk-management arrangements that apply, and any next steps required of the applicant/student.

Review/appeal

An applicant/student may request a review of the decision where they believe that relevant information was not considered, the process was not followed correctly, or new material information has become available. A request for review should be submitted in writing within 5 working days of the outcome. The review will be undertaken by an appropriately senior member of staff who was not involved in the original decision. The reviewer may uphold, vary or overturn the original decision. The review outcome will be confirmed in writing.

Data retention

The College will process criminal conviction information only where it is necessary and proportionate for the identified purpose and will ensure that appropriate safeguards are in place.

The lawful basis relied upon by the College for processing personal data in connection with criminal conviction declarations is Public Task under Article 6(1)(e) of the UK GDPR, where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the College.

Where criminal conviction information is processed for safeguarding purposes, the College will rely upon the relevant condition under Schedule 1, Part 2, paragraph 18 of the Data Protection Act 2018 (safeguarding of children and individuals at risk), where the requirements of that condition are met.

Criminal conviction declarations, supporting information and associated risk assessments will be stored securely. Access will be restricted to authorised staff who require the information for the stated purpose and in order to undertake their role. Information will be handled in accordance with the College's data protection policies, privacy notices, Appropriate Policy Document and Records Retention Schedule.

Records will be retained only for as long as they are necessary for the purpose for which the information was obtained and in accordance with the College's Records Retention Schedule. Where detailed criminal conviction information is no longer required, it will be securely deleted or destroyed. Retention requirements will be reviewed where the student's circumstances, the associated risk or the purpose for processing changes.

Where appropriate, the College may retain a limited record of the outcome of its assessment and decision-making process, including any conditions or risk-management measures imposed, where there is an identified and lawful need to do so. The Head of ASC will be responsible for ensuring that this record is maintained securely and retained in accordance with the College's Records Retention Schedule and data protection requirements.

Where the Designated Safeguarding Lead (DSL) or a Deputy DSL determines that a criminal conviction declaration was made in error, and there is no lawful or operational requirement to retain the information, the Head of ASC will ensure that the declaration and associated criminal conviction information are securely deleted. Where it is necessary to retain a limited administrative record of the decision, this should record only the minimum information required and should not retain unnecessary details of the erroneous declaration.

4. Applicability to HE External Partners

Sub-contractual Partners must ensure that they have a comparable policy and procedure in place which has been agreed by New College Durham prior to contractual arrangements, or that they adopt this procedure in full.

Where this procedure is adopted, the sub-contracting partner must put in place mechanisms and resources to fulfil this procedure.

5. Evaluation and review

The effectiveness of this Policy will be monitored annually and reviewed every three years in light of experience, guidance from the Department for Education, the Disclosure and Barring Service, changes in legislation and best practice.

This mechanism recognises that changes to legislation may prompt a review of the Policy before the three years stipulated.

Appendix 1: Information on Spent Convictions

The table below shows when convictions are spent.

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).
Custodial sentence of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order	1 year	6 months

A conviction is protected and does not need to be disclosed if **all** of the following apply:

- it is not for a 'listed offence' (see [List of offences that will never be filtered from a DBS certificate - GOV.UK \(www.gov.uk\)](#))
- you did not receive a custodial sentence and
- more than 11 years have passed since the date of conviction (or more than five years and six months have passed if you were under the age of 18 when convicted)

[Unlock Criminal Record Disclosure Calculator](#) - to help students if they're not sure if their conviction is (or can be) spent.

[Unspent Convictions.pdf \(dbsdirect.co.uk\)](#) - guide to when convictions become spent (or if they never are).