



## **CURRICULUM POLICY AND PROCEDURES FRAMEWORK**

### **Disclosure of Information by Students Policy and Procedures**

#### **1.0 Purpose**

- 1.1 This Policy and Procedures Framework details the actions taken by the College in connection with the disclosure of information under Part V of the Police Act 1997 in relation to students applying to designated courses at the College.
- 1.2 The College recognises its duty of care to students, staff and the wider community.
- 1.3 This policy outlines the steps the College will take to maintain a safe and secure learning environment, to safeguard students, staff and others by
  - putting risk assessment processes in place where students disclose criminal convictions, offences or investigations
  - putting procedures in place

#### **2.0 Policy**

Jewel & Esk College will ensure enhanced disclosure checks are completed for students whose course includes contact with or placement within organisations dealing with children, young people or other vulnerable persons.

#### **3.0 Scope**

- 3.1 The students covered by this Policy are those applying for or enrolled on the courses detailed in Appendix 1 of this Policy and Procedures Framework.
- 3.2 Continuing students who have been disclosed will not normally be required to undertake a further Enhanced Disclosure check (subject to conditions in Appendix 2) They will be required to sign a disclosure statement (Appendix 3).
- 3.3 Separate procedures cover staff disclosure.
- 3.4 The College reserves the right to insist that any applicant/student is presented for Disclosure.

- 3.5 Specified courses require students to undertake an Enhanced Disclosure check, however in other circumstances the College may request that any student obtains a Basic Disclosure check.
- 3.6 An explanation of the rationale for disclosure and the disclosure process is detailed in Appendix 2.
- 3.7 The College will process Disclosure applications for all students other than those who present a current Enhanced Disclosure certificate from sponsoring employer.
- 3.8 This policy should be read in conjunction with the College Equality and Diversity Policy and Procedures and its Disability, Race and Gender Equality Schemes.

#### **4.0 Responsibilities**

- 4.1 The Depute Principal is responsible for the implementation and development of this policy.
- 4.2 The Student Services Co-ordinators, one of whom is the designated College Student Disclosure Co-ordinator, are responsible for the effective and consistent operation of this policy through the overall management of procedures.
- 4.3 The Depute Principal and Students Services Advisers will be designated as alternative counter-signatories to disclosure applications.
- 4.4 Heads of Faculty are accountable for ensuring that all students covered by this policy are checked prior to commencement of their placement or contact with designated groups.
- 4.5 Class Tutors are responsible for ensuring that all students with contact at placement with their designated groups have clearance from the disclosure process.
- 4.6 All staff involved are responsible for ensuring compliance with the College Data Protection Policy and Procedures.

#### **5.0 Data Protection**

- 5.1 Jewel and Esk College complies fully with the Code of Practice regarding the correct handling, holding and destroying of Disclosure information provided by Disclosure Scotland under Part V of the Police Act 1997, for the purposes of assessing applicants' suitability for courses involving a placement within an organisation working with children, young people, or vulnerable adults.
- 5.2 In discharging its responsibilities in this respect, the College is committed to ensuring that the use of personal data is only in the legitimate operation of the College's business.
- 5.3 Accordingly, the College will ensure that the eight principles on which the Data Protection Act 1998 is based are made known to and observed by the College staff, as communicated through the Colleges Data Protection Policy.
- 5.4 The College will use Disclosure information only for the purpose for which it has been provided

- 5.5 The information provided by an applicant for a course involving a placement within an organisation working with children, young people, or vulnerable adults will not be used or disclosed in a manner incompatible with the purpose.
- 5.6 The College will use personal data only with the express consent of the individual.
- 5.7 Jewel & Esk College recognises that, under Section 124 of the Police Act 1997, it is a criminal offence to disclose Disclosure information to any unauthorised person. The College will, therefore, only pass Disclosure information to those who are authorised to see it in the course of their duties.
- 5.8 Jewel & Esk College will not disclose information provided to it under Section 115(8) of the Act, namely, information which is not included in the Disclosure, to the applicant.
- 5.9 The College will store Disclosures or Disclosure information in a secure manner e.g. non-portable locked cabinets, the keys to which will be restricted to the individuals listed at 5.10 below. The College will not keep such Disclosures or Disclosure information for any longer than required after a decision has been taken. In general this period will not exceed nine months. In exceptional circumstances, such as when placement is delayed by sickness etc. or there is an issue regarding the content of the Disclosure, Disclosure information may be kept longer, but in all cases no longer than necessary, and no longer than the end of the Academic session in which the course in relation to which the Disclosure was applied for took place (31 July each year) Disclosure information will only be retained for longer than this period in exceptional circumstances, and in consultation with Disclosure Scotland. The same conditions relating to secure storage and access will apply during any such period. Once the retention period has elapsed, the College will ensure the Disclosure information is immediately destroyed in a secure manner. The conditions relating to secure storage and access will apply during the entire period of retention.
- 5.10 The designated College counter signatories and the Principal will be the only staff with access to Disclosure certificates or other documentation in relation to individual applications.
- 5.11 Once the retention period has elapsed, the College will ensure the Disclosure information is immediately destroyed in a secure manner through witnessed destruction by a shredder, or similar form of secure disposal.
- 5.12 The College will not make any image, or photocopy, or any other copy or form of the Disclosure or Disclosure information.
- 5.13 As a Centre registered with Disclosure Scotland, the College is open to audit at any time to ensure compliance with our policy for handling Disclosures and the Code of Practice.

The College, therefore, has to demonstrate that:-

- the handling of personal data is undertaken in a full and confidential manner.
- only appropriate members of staff have access to the data.

- other than in exceptional circumstances (see 5.4) no personal data will be kept for more than 6 months, except a core record indicating that an enhanced Disclosure was sought and obtained.
- counter-signatories have signed, as seen, all original documents (not photocopies).

## 6.0 Procedures

- 6.1 The Faculty Assistant maintains stocks of and sends out enhanced disclosure statement, enhanced disclosure application form and guidelines to the applicant along with the letter inviting them to attend for interview.
- 6.2 Applicant fills in Part B, E2 and E3 of the enhanced disclosure application form and brings the application form to the interview along with the relevant documents, which will include a birth certificate, passport and driving licence if applicable.
- 6.3 Interviewer checks that Part B, E2 and E3 have been completed correctly and helps applicant to complete Part C1 and C2 i.e. College name and course.
- 6.4 After the interview, the applicant is directed to Student Services where their application will be countersigned and logged. Tutors should inform Student Services if the student subsequently changes course.
- 6.5 Any incomplete/inaccurate application forms received in Student Services will be handed back to the applicant with a further information sheet attached to the application form. It will then be the responsibility of the applicant to return the completed application form with the appropriate documentation to Student Services.
- 6.6 All countersigned application forms will be securely held in Student Services. The forms for any students who have rejected offers or withdrawn will be destroyed.
- 6.7 If an applicant discloses (at interview) information or on the application form in respect of a previous conviction, the interviewer must inform Student Services to allow their application to be forwarded to Disclosure Scotland immediately.
- 6.8 Applicants will have their enhanced disclosure application forms securely held until the College receives confirmation of offer of place by the applicant. **Note:** This will require the Faculty Assistant to update student records on a regular basis.
- 6.9 It will be the responsibility of the Faculty to ensure that all applicants undergo an Enhanced Disclosure check.
- 6.10 Student Services will record the status of students going through the disclosure process and make this information available to the appropriate Faculty staff.
- 6.11 The College will pay for all full-time Enhanced Disclosure checks and will be invoiced directly by Disclosure Scotland.
- 6.12 Part-time students requiring an Enhanced Disclosure check will be subject to the same procedures and will be required to pay their own costs.

- 6.13 Students on a course subject to Disclosure who are undertaking a continuing or more advanced course will be required to complete a Continuing Student Disclosure Statement (Appendix 3) and tutors are required to notify the Student Services Co-ordinator should they be charged with any criminal offence while attending a course at college. Failure to comply with this requirement will lead to instant dismissal from their course.

## **7.0 Consideration of Disclosure**

- 7.1 Enhanced Disclosure Certificates which reveal any history of criminal convictions (spent or unspent in terms of the Rehabilitation of Offenders Act 1974), cautions or police warnings and/or relevant additional notes from the Chief Constable under section 115(8) of the Police Act 1997 will be passed to the College Student Disclosure Co-ordinator for initial consideration. The student will be contacted and offered the opportunity to present in writing further background information detailing the surrounding history (Appendix 4).
- 7.2 In the event of an Enhanced Disclosure Certificate revealing any of the matters referred to in paragraph 7.1 (above), the College Student Disclosure Co-ordinator may seek further clarification from Disclosure Scotland and/or the relevant Chief Constable and may take advice from appropriate other professionals and shall refer the matter to the College Disclosure Panel. The panel will consider all the material obtained under paragraph 7.1 and this paragraph and make a decision as to whether or not the application for a place on the course is to be granted and will then communicate the result to the student. An appeal against a decision of the College Disclosure Panel may be made under paragraph 8 of this Framework.
- 7.3 Students will be automatically refused a place on a course for which an Enhanced Disclosure Certificate is required (or will be removed from such a course if the course has started) at Jewel & Esk College if their disclosure certificate reveals
- 7.3.1 Inclusion on the Disqualified from Working with Children List under the Protection of Children (Scotland) Act 2003 or registration as a sex offender under the Sex Offenders Act 1997
- 7.3.2 Any information supplied to Jewel & Esk College by the Chief Constable, but not supplied to the student under section 115(8)(b) of the Police Act 1997

## **8.0 Appeal**

- 8.1 Students have the right of an appeal against College decisions based on disclosure checks by using the Students' Appeals Policy and Procedures. Appeals should be addressed to the Depute Principal.
- 8.2 Students wishing to appeal against the information detailed in their enhanced disclosure should do so directly to Disclosure Scotland.

## **9.0 Communication**

- 9.1 The content of this policy will be communicated to all appropriate academic staff by written instruction from the Principal.

- 9.2 The Depute Principal will ensure that individual Learning Managers, Curriculum Leaders, Senior Lecturers and Lecturers are aware of this Policy and Procedures.
- 9.3 A summary of this policy and procedures framework will be sent to every student on the designated course (see Appendix 1) at time of application for a place on the course.
- 9.4 This Policy and Procedures Framework will be available on the College website and Intranet.
- 9.5 Applicants who wish clarification or advice on this Policy or any of the procedures contained within the Framework should contact the College Student Disclosure Co-ordinator.

## **10.0 Review**

This Policy and Procedures will be reviewed in March each year.

## APPENDIX 1

### COURSES REQUIRING ENHANCED DISCLOSURE CHECKS

HNC Social Care

NQ Int 1 Entry to Community Work

NQ Int 2 Working with Communities

HNC Working with Communities

SGA Care (Intermediate 2)

Highers in Care

One option only

Cert. in Early Education & Child Care

HNC Early Education & Child Care

HNC Fitness; Health & Exercise

Cert. in Sport & Exercise

Fastrack to HNC Health, Fitness & Exercise

Skillpower

Care option only

PDA Classroom Assistant/Support for Learning Assistant

Cert in Health & Social Care

Work preparation course

Care option only

## APPENDIX 2

### 1.0 Disclosure Scotland

- 1.1 This is the Scottish Criminal Records Office Disclosure Service. They hold records of all criminal records in the United Kingdom.
- 1.2 They can be contacted at Disclosure Scotland, PO Box 250, Glasgow, G51 1YU. Tel: 0870 609006; e-mail: [info@disclosurescotland.c.uk](mailto:info@disclosurescotland.c.uk)

### 2.0 Types of Disclosure

#### 2.1 Basic Disclosures

A Basic Disclosure contains details of convictions considered unspent under the Rehabilitation of Offenders Act 1974. They are available to anyone for any purpose, on payment of an appropriate fee. This type of Disclosure is only issued to the applicant. It is not job-specific and may be used more than once.

#### 2.2 Standard Disclosures

The intermediate level of Disclosure is the Standard Disclosure. This again refers to convictions held on central records but includes both spent and unspent convictions. This means that minor convictions, perhaps dating from years ago, are included on the Disclosure. The Standard Disclosure is available on payment of the appropriate fee, subject to it being first countersigned by a registered person (usually the potential employer or voluntary organisation). The main categories of occupations, etc, for which a Standard Disclosure may be required are:-

- Those involving regular contact with children and vulnerable adults;
- Those checked in the interests of national security;
- Those involved in the administration of law;
- Those applying for firearms, explosive and gaming licences;
- Professional groups in health, pharmacy and law;
- Senior managers in banking and financial services.

A Standard Disclosure is sent to the applicant, and a copy sent to the relevant registered body.

#### 2.3 Enhanced Disclosures

In addition to the details included in Standard Disclosure, Enhanced Disclosures may contain non-conviction information which a Chief Constable may choose to disclose, which he feels is relevant to the job or voluntary work sought.

This type of Disclosure is available to:

- Those who apply for work that regularly involves caring for, training, supervising or being in sole charge of children or vulnerable adults;
- Applicants for various gaming and lottery licences;
- Those seeking judicial appointment;
- Applicants for registration for child minding, day care and to act as foster parents or carers.

### **3.0 Reasons for Student Disclosure**

- 3.1 The College must be assured that students who undertake courses of study that involve or will lead to placement or employment with children or vulnerable people do not have a criminal record of a type that may debar them from such employment.
- 3.2 Any student on a course subject to an Enhanced Disclosure Certificate must notify the College Students Disclosure Co-ordinator if, during the period of their course, they are charged or convicted of any criminal offence, or receive a caution or a police warning as set out in paragraph 7.1 of this Framework or fall within the terms of paragraph 7.3.1. Failure to notify the College Students Disclosure Co-ordinator of any such matters may lead to immediate expulsion from the course.
- 3.3 The College must be assured that all those undergoing training can proceed to employment within the industries chosen.
- 3.4 The College must reflect the highest standard adopted within the industry by ensuring that public funds are used to provide training for those with a reasonable and equitable chance of employment in the designated industries.
- 3.5 The protection of the public by ensuring that those students with inappropriate histories do not go on placements with the young, the elderly or other vulnerable groups.

### APPENDIX 3

#### Curriculum Policy & Procedures Framework

#### Disclosure of Information by Student Policy & Procedures

#### Continuing Student Disclosure Statement

As a continuing student at Jewel & Esk College, I agree that:

The College Disclosure Policy does not require me to re-apply to Disclosure Scotland for an Enhanced Disclosure Certificate.

I have not been charged with any criminal offence since the date of my last Disclosure at Jewel & Esk College.

I will immediately inform the Student Disclosure Co-ordinator if I am charged with any criminal offence from now and the end of the relevant academic year.

Should I fail to discuss any charges or convictions covered in parts 2 and 3 above, I understand that I am liable to be immediately dismissed from the College.

Signed \_\_\_\_\_

Print Name \_\_\_\_\_

Course \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX 4

### Disclosure: Declaration of additional information

The course you have applied for includes contact with or placement within organisations dealing with children, young people or vulnerable adults. The College must be assured that students who undertake courses of study that involve or will lead to placement or employment with vulnerable people do not have a criminal record that may debar them from employment. The College also has an obligation to protect the public by ensuring that those students with inappropriate histories do not go on placements with the young, elderly or vulnerable adults.

The College now has a copy of your Disclosure certificate for consideration, after which your conditional offer of a place on the course will be either confirmed or withdrawn.

We are offering you the opportunity to provide additional details for consideration as part of that process; this information will be treated in confidence in accordance with the College's Disclosure policy.

Please complete this following and return to:

**Annie Rankine  
Student Services  
Jewel & Esk College  
Eskbank Campus  
Newbattle Road  
Dalkeith  
EH22 3AE**

Within 7 days of receipt of this letter.

#### 1. Information disclosed on Certificate

Please describe in detail both the **offence(s) and disposals** or any **other additional information provided by the Chief Constable** referred to in the Enhanced Disclosure Certificate, and all the relevant **circumstances** at the time. [Please use a separate sheet if more space is required]

Please give details of how you completed any **sentence** imposed, for example did you pay the fine as required, what conditions were attached to any probation/community service/supervised attendance order, did you comply with the requirements of your order/custodial sentence.

**2. Support and advocacy**

Has any other organisation(s) supported you to work through any of the above issues?

In what way, if any, have you changed since?

**I certify that all information contained in this form is true and correct to the best of my knowledge and realise that false information or omissions may lead to disciplinary action.**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

NAME (block capitals please) \_\_\_\_\_

Course applied for \_\_\_\_\_