



Criminal Convictions - Guidance Notes for Students 2024/25

We recognise the contribution that people with criminal records can make as students and welcome applications from them. A person's criminal record will not, in itself, stop that person from being admitted on to a course. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused a place on their chosen course because of offences which are not relevant to, and do not place them at or make them a risk in, the course for which they are applying.

The Group has a Duty of Care to all its users - students, staff and visitors to ensure their safety and wellbeing. It also has a duty to safeguard and protect any of its users who are under the age of 18.

In order to meet these responsibilities it is necessary to require all learners to declare any **relevant convictions** to enable the college to make a judgement on any potential risks posed by their enrolment on a course.

If relevant, undisclosed information comes to light during your studies, disciplinary action may be considered and your place at College may be jeopardised.

Relevant Convictions are those for:

- Offences against the person, whether of a **violent** or **sexual** nature
- Offences involving the unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking.

Spent Convictions (see overleaf for clarification) are not considered to be relevant, and you are not required to reveal them unless you are applying for a course leading to childcare or health and social care or any other work with children (under 18) or vulnerable adults.

A DBS check may be required for your course and we will need to know if you have any spent convictions or adult cautions, which are unprotected, (i.e. not eligible to be filtered) in line with current guidance?

When is a conviction considered spent?

Rehabilitation of Offenders Act 1974

This Act enables criminal convictions to become ‘**spent**’ or ignored after a “**rehabilitation period**”.

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed.

Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence called the ‘buffer period’. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.

The ‘buffer periods’ are halved for those who are under 18 at date of conviction (save for custodial sentences of six months or less where the ‘buffer period’ is 18 months).

The rehabilitation periods for sentences with additional “buffer periods” which run from the end date of the sentence are shown in the table below:

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered).
Imprisonment or detention in a young offender institution for over 48 months (4 years) or a public protection sentence	Never spent	Never spent
Prison sentence or detention in a young offender institution for over 30 months (2½ years) and up to 48 months (4 years)	Total length of sentence (including licence period) plus 7 years	Total length of sentence (including licence period) plus 3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	Total length of sentence (including licence period) plus 4 years	Total length of sentence (including licence period) plus 2 years
Custodial sentence of 6 months or less	Total length of sentence (including licence period) plus 2 years	Total length of sentence (including licence period) plus 18 months
Community order or youth rehabilitation order**	Total length of order plus 1 year	Total length of order plus 6 months

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 year	6 months
Conditional discharge,	At the end of the order	At the end of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	At the end of the order	At the end of the order
Attendance centre order	At the end of the order	At the end of the order
Hospital order (with or without a restriction order)	At the end of the order	At the end of the order
Referral order	Not available for adults	At the end of the order
Reparation order	Not available for adults	None

++Youth caution replaces the disposals – reprimands and final warnings – which were abolished in April 2013.

+++The rehabilitation period for a fine applies even if the person is subsequently imprisoned for default of the fine. Fines arising from fixed penalty notices and penalty notices for disorder (PND) are not covered by the Act as they do not form part of an individual’s criminal record so they do not have a rehabilitation period.

++++A relevant order (e.g. restraining order or sexual offences prevention order (SOPO)) which has no specified end date has a default rehabilitation period of two years from the date of conviction or from the time the disposal is administered.

If you are not sure how to answer the question about unspent convictions

If you are not sure whether to tell us about a previous conviction, you should get advice from your local Citizens’ Advice Bureau or Probation Service or from NACRO (the National Association for the Care and Resettlement of Offenders). You could also contact a solicitor, but you may have to pay for legal advice. The Heart of Yorkshire Group is not able to advise you on what the best course of action is for you.