

Rehabilitation of Offenders Act 1974

Guidance to Applicants on Disclosure of Criminal Convictions

You are required to disclose all "unspent" criminal convictions. The Rehabilitation of Offenders Act 1974 provides that certain convictions shall be regarded as "spent" after specified periods of time have elapsed and you do not need to disclose convictions which are "spent" at the date you sign the application form.

Schedule of relevant convictions and time periods are as follows:

Sentence	Becomes Spent After
For a sentence of imprisonment of youth custody exceeding 6 months but not exceeding 30 months	10 years
For a sentence of imprisonment of youth custody not exceeding 6 months	7 years
For a sentence of borstal training	7 years
For a fine or other sentence not otherwise covered in this table	5 years
For an absolute discharge	6 months
For a probation order, conditional discharge or bind over; and for fit persons, supervising orders or care orders under the Children and Young Persons Acts (and their equivalents in Scotland)	1 year or until the order expires (whichever is the longer)
For cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces	10 years
For simple dismissal from the Armed Forces	7 years
For detention by the Armed Forces	5 years
For detention by direction of the Home Secretary:	
For a period exceeding 6 months but not exceeding 30 months	5 years
For a period not exceeding 6 months	3 years
For a detention centre order	3 years
For a remand home order, an improved school order, or an attendance centre order	The period of the order plus a further year after the order expires
For a hospital order under the Mental Health Acts	The period of the order plus a further 2 years after the order expires (with a minimum of 5 years from the date of conviction)

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Schedule of Relevant Conditions

Conviction	Staff Group
Dangerous, reckless, careless driving. Drunk driving.	Employees required to drive a vehicle (including all essential car users) or to operate mobile machinery and plant.
Theft, fraud, dishonesty offences.	All employees responsible for handling money, certifying officers and those in a position to alter financial records.
Actual, grievous bodily harm; other offences involving violence.	Employees whose duties involve direct contact with children, old people or vulnerable clients or members of the public.
Sexual misconduct. Abuse or drugs or alcohol.	Employees whose duties involve direct contact with children, old people or vulnerable clients or members of the public.
All offences involving a prison sentence (whether suspended or otherwise) of 3 months or more.	All employees

Notes:

- 1 A sentence of more than 30 months imprisonment or youth custody can never become spent.
- 2 If you were under 17 years of age on the date of the conviction for any of the sentences except those under the heading 'For detention by direction of the Home Secretary' please halve the period shown in the right hand column.
- 3 It is immaterial for the purposes of calculating a spent conviction whether a sentence is suspended or not.

The information you provide will be treated as strictly confidential and only in relation to the appointment for which you are applying.

Disclosure of a conviction does not necessarily mean that you will not be appointed. The Association will have regard to the CRB Code of Practice and a main consideration will be whether the offence is one which would make an applicant unsuitable for the type of work to be done.

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It is necessary to require all applicants for employment with Cestria Community Housing to declare any convictions or charges still outstanding against them in respect of a criminal offence, subject to the Rehabilitation of Offenders Act 1974.

The purpose of this action is to give those who have been convicted of offences the chance to "live down" their convictions. This means that if a certain period of time has passed since the date on which you were convicted, the conviction becomes "spent" and you are entitled to ignore the conviction and fill in the application form as if the offence, conviction or sentence had never taken place. However, a sentence of more than 2½ years' imprisonment can never become "spent" and should be disclosed.

If you are applying for employment which is not protected by the above Act (eg (a) employment in connection with the provision of social services etc and that involving access to vulnerable people and (b) employment involving the promotion of leisure or recreational activities to persons under the age of 18), then even "spent" convictions must be disclosed. This includes all employment in the Housing and Technical functions with the exception of administrative and clerical posts.

Please quote details below of any convictions or charges outstanding in respect of all offences (or alleged offences) including driving offenses. If you inadvertently disclose a conviction which is regarded as "spent" it will be ignored, unless you are applying for employment which is not protected by the Act.

Date	Court	Offence	Sentence

Failure to declare a conviction as outlined above may result in dismissal from Cestria Community Housing.

Post applied for:	
Name:	
Signature:	
Date:	

On completion, this form should be enclosed together with the application form. It will be treated as confidential.