

Declaration of Criminal Offences

Rehabilitation of Offenders Act 1974 (Legal Aid, Sentencing and Punishment of Offenders Act 2012)

The position you have applied for is subject to the Rehabilitation of Offenders Act 1974. Under the Rehabilitation of Offenders Act 1974 amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, you do not need to provide details about previous convictions, which are 'spent'. 'Spent' convictions refer to those which have occurred in the past and since the conviction a certain amount of time has passed, often known as a rehabilitation period. The length of the rehabilitation period differs depending on the type of sanction that was imposed upon you as a result of your conviction, be it a term of imprisonment, a fine, a surcharge order, probation, or an absolute or conditional discharge.

Details are provided below regarding the rehabilitation periods.

Whilst a 'spent' conviction, which may also be known as 'protected' convictions, may not need to be detailed, it is vital that details of any non-protected convictions, cautions, warnings and reprimands are disclosed. Any information provided will be treated as strictly confidential. Disclosure of an offence will not automatically disqualify your application but will be considered in light of your application in full and whether it would be appropriate considering the position you are applying for.

If required we will only ask questions regarding 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974 and that are relevant to the position sought.

Applicants are encouraged to provide details of their criminal record at an early part of the recruitment process. All information will be kept confidential and only disclosed to those parties relevant to the recruitment process. If you do not make known any relevant offences, you may be disqualified from the application process and if the conviction comes to light after the application process, you could be summarily dismissed.

For some posts, the Isle of Wight Council will undertake the Disclosure and Barring Service Check; this will include details of cautions, reprimands or final warnings as well as convictions.

A conviction becomes spent after a certain length of time, which changes depending upon the sentence and your age at the time of conviction.

REHABILITATION PERIODS – Prison sentences

Sentence	Adult 18+ when convicted – rehabilitation period from end of sentence	Under 18 when convicted - rehabilitation period from end of sentence
Over 4 years	Never	Never
More than 30 months and less than (or equal to) 4 years	Sentence + 7 years	Sentence + 3.5 years
More than 6 months and less than (or equal to) 30 months	Sentence + 4 years	Sentence + 2 years
Less than or equal to 6 months	Sentence + 2 years	Sentence + 18 months

Note: If a person is sentenced to more than 4 years in prison or corresponding court martial punishment, his/her conviction can never become 'spent'.

OTHER REHABILITATION PERIODS

Sentence	Adult 18+ when convicted – rehabilitation period from end of sentence	Under 18 when convicted - rehabilitation period from end of sentence
Detention and Training order (over 6 months)	N/A	As other prison sentences
Detention and Training order (6 months or less)	N/A	As other prison sentences
Sentence of detention (over 6 months but not exceeding 30 months)	As other prison sentences	As other prison sentences
Sentence of detention (6 months or under)	As other prison sentences	As other prison sentences
Removal from Her Majesty’s service	1 year	6 months
Service Detention	1 year	6 months
Community Order	12 months	6 months
Youth Rehabilitation Order	N/A	6 months
Fine	1 year	6 months
Compensation Order	Once paid in full	Once paid in full
Hospital Order	End of the order	End of the order
Conditional Discharge, binding over, care order, supervision order, reception order	End of the order	End of the order
Absolute discharge	Spent immediately	Spent immediately
Disqualification	End of disqualification	End of disqualification

What about people in the Armed Services? Rehabilitation periods for imprisonment in the Services are the same as in civilian life.

If you have any doubts about whether you have to declare a previous conviction, you should contact your local Probation Office or the Citizens Advice Bureau, or your solicitor.

Using the guidelines given, please list all orders, cautions, bindovers and criminal offences which are not ‘Spent’. Do not forget to include any pending convictions and indicate that they are pending in the column ‘Place & date of judgement (s)’.

If you have no convictions please select ‘I confirm I have no convictions’ below.

Details of offences	Nature of offences	Place & date of judgment (s)	Sentence (s)

- I confirm I have no convictions
- I have entered details of convictions above

All information given will be treated in confidence and will be used for this job application only.

I certify that, to the best of my knowledge, the information on this form is true and accurate. I understand that if the information I have supplied is false or misleading in any way, it will automatically disqualify me from appointment or may render me liable to instant dismissal without notice.

Please confirm you have read these conditions:

- I confirm I have read and accept these conditions

Signed:..... Job applied for:.....

Surname:.....

Forename:.....

Date of birth:.....