

## Declaration of Criminal Offences (Regulated Activity Post)

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

As part of our pre-appointment enquires, we need you to answer some questions about yourself.

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, The Isle of Wight Council complies fully with the DBS Code of Practice and the Rehabilitation of Offenders Act. In doing so the Isle of Wight Council is committed to the fair treatment of its staff, potential staff, volunteers and potential volunteers and users of its services. It undertakes not to discriminate unfairly based upon the results of a DBS check or self-disclosure on the basis of a conviction or other information revealed. This approach applies equally to information revealed retrospectively as well as to new applicants.

The Isle of Wight Council undertakes to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment. At interview, or in a separate communication as part of a risk assessment for suitability for the post in question, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. At times this may be conducted by phone or letter or in person. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or to your removal from position at a future date.

Having a criminal record will not necessarily bar you from working or volunteering with us and will be considered as part of a risk assessment that ensures suitability for the post in question. Our decision will depend on the nature of the position and the circumstances and background of your offences, cautions and other criminal intelligence.

Following a thorough risk assessment, the position for which you are applying is classified as [regulated activity](#) and is therefore exempt from the [Rehabilitation of Offenders Act 1974](#). For this reason, the Isle of Wight Council is entitled to make enquiries about your entire criminal record (both unspent and spent cautions and convictions) and should you be successfully appointed, will seek a disclosure through the Disclosure and Barring Service to do so.

Following changes to the Exceptions Order 1975 (2013), there are however certain spent convictions and cautions that are 'protected' and are no longer subject to disclosure to employers, and cannot be taken in to account. Guidance on the filtering of these cautions and convictions can be found on the [Disclosure and Barring Service website](#). Do you have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(as amended in 2013\)](#)?

**Please list all cautions, bindovers and criminal offences in line with the above guidance. 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 write 'none' and sign the form.**

Details of offence	Nature of offence	Place & date of judgement	Sentence

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.

SIGNED: \_\_\_\_\_ NAME: (Please print) \_\_\_\_\_

DATE: \_\_\_\_\_ JOB APPLIED FOR: \_\_\_\_\_

**PLEASE COMPLETE THIS FORM AND RETURN IT WITH YOUR APPLICATION FORM.**