

Criminal convictions

Guidance notes for applicants declaration of criminal convictions



The Rehabilitation of Offenders Act 1974 provides that certain criminal convictions become 'spent' after the passage of time, that is the law will treat them for most purposes as if they had never happened and it is not necessary to disclose them. However, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and 1986 contain certain classes of employment where a person can be asked to disclose all criminal convictions, including any which may be 'spent'.

The post for which you are applying falls within these Orders and you are therefore required to detail all previous convictions on the form entitled 'Declaration of Criminal Convictions' whether or not they are spent. Details of what constitutes a conviction are given below.

Please note that you should also include details of any cautions, reprimands or final warnings which, although not considered to be criminal convictions and become 'spent' immediately, have to be considered in relation to exempt posts such as this one.

A conviction includes:

- a sentence of imprisonment, youth custody or borstal training;
- an absolute discharge, probation order, conditional discharge, bind-over order;
- a fit person order, supervision or care order arising from criminal conviction;
- simple dismissal from the Armed Forces, Cashiering, discharge with ignominy, dismissal with disgrace or detention by the Armed Forces;
- detention by direction of the Home Secretary;
- detention centre, remand home, approved school or attendance course orders;
- a suspended sentence
- a fine or any other sentence not mentioned above.

In accordance with the Police Act 1997, any offer of employment will be subject to a criminal record check ('Disclosure') from the Criminal Records Bureau (CRB). This will include details of cautions, reprimands or final warnings as well as convictions.

Explanatory notes overleaf...

Explanatory notes

1. Any information that you provide on the 'Declaration of Criminal Convictions' form will be treated in strictest confidence and will be considered only in relation to the post that you have applied for on this occasion.
2. Cornwall Council aims to promote equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from diverse candidates. Criminal records will be taken into account for recruitment purposes only where the conviction is relevant. Disclosure of a conviction, caution etc does not necessarily mean that you will not be appointed to this post; your suitability will be looked at as a whole in light of all the information available, merit and ability. Main considerations will be whether the offence is one which renders you unsuitable to undertake the duties of the post for which you have applied and the circumstances and background to the offence.
3. Relevant criminal convictions and other associated information that you provide on the 'Declaration of Criminal Convictions' form will be discussed at interview in order to assess job related risks.
4. You will be given the opportunity to discuss any Disclosure information provided by the CRB before a final recruitment decision is made. Should you think that a mistake has been made by the CRB you will be given the right to appeal to them.
5. In order to request information from the CRB, Cornwall Council has registered with them. As part of this registration it is necessary for Cornwall Council to comply with the CRB 'Code of Practice'. A copy of this Code of Practice is available on request. The Council has policies on Criminal Record Checking, Security of Disclosure and Disclosure Information and Recruitment of Ex-offenders, copies of which are available on request. To request a copy you should contact HR Services.
6. Any information regarding offences will be kept confidential and on a 'need-to-know' basis. Disclosures will not be retained for longer than 6 months after the date on which recruitment or other relevant decisions have been taken or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period will only be exceeded in exceptional circumstances which justify retention for a longer period.