



## Disclosure of criminal convictions / cautions / reprimands / bind overs unspent)

### Notes of guidance and disclosure form

- 1 It is the County Council's policy to require all shortlisted applicants for employment to disclose any previous 'unspent' criminal convictions. In addition you are required to disclose any cautions, reprimands, or bind overs which have not expired or any pending prosecutions.
- 2 The Rehabilitation of Offenders Act 1974 provides that certain convictions, cautions, reprimands or bind overs 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 this form. You are, however, required to disclose all 'unspent' criminal convictions.
- 3 The information you provide (by completing the attached form) will be treated as strictly confidential and will be considered only in relation to the appointment for which you are applying.
- 4 Disclosure of a conviction, caution, reprimand or bind over does not necessarily mean that you will not be appointed. The County Council will have regard to the ACAS Code of Practice on Disciplinary and Grievance Procedures 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.

### Details of relevant conviction and time periods are as follows:

| <b>Sentence</b>  | <b>Becomes spent after</b>                           |
|--|--|
| For a sentence of imprisonment of youth custody exceeding 6 months but not exceeding 30 months   | 10 years   |
| For a sentence of imprisonment or youth custody not exceeding 6 months   | 7 years  |
| For a sentence in a young offenders institution  | 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 or community punishment order, conditional discharge or bind over; and for fit person orders, supervision orders or care orders under the Children and Young Persons Act (and their equivalents in Scotland) | 1 year, or until order expires (whichever is longer) |
| For cashiering, discharge with ignominy or dismissal from the Armed Forces   | 10 years   |
| For simple dismissal from the Armed Forces   | 7 years  |
| For detention by the Armed Forces  | 5 years  |

PLEASE COMPLETE THE FORM OVERLEAF AND RETURN IT TO THE ADDRESS ON THE ATTACHED LETTER PRIOR TO INTERVIEW.

**Sentence****Becomes spent after****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 centre order, an approved 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 the conviction) |

**NOTES**

- i A sentence of more than 30 months imprisonment or youth custody can never become spent.
  - ii If you were under 17 years of age on the date of 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.
  - iii It is immaterial for the purposes of calculating a spent conviction whether a sentence is suspended or not.
- 5 Failure to disclose any 'unspent' convictions, unexpired convictions, cautions, reprimands or bind overs pending prosecutions may, in the event of employment, result in dismissal or disciplinary action by the County Council.
- 6 Please complete the attached form and return it with your application

PLEASE 'TEAR OFF' AND RETAIN THIS PART OF THE FORM



## Disclosure of criminal convictions / cautions / reprimands / bind overs (unspent)

Please read carefully the accompanying notes and then enter any convictions and cautions below.  
**Please enter NONE if applicable**

| Offence | Date of conviction/<br>caution | Sentence |
|---------|--------------------------------|----------|
|---------|--------------------------------|----------|

Please list below details of any pending prosecutions  
**Please enter NONE if applicable**

| Court to which summoned | Appearance date | Alleged offence |
|-------------------------|-----------------|-----------------|
|-------------------------|-----------------|-----------------|

I certify that: i) I have read and understood the attached guidance notes; ii) to the best of my belief, the information I have entered is true and I understand that any false information or failure to disclose criminal convictions will result, in the event of employment, in a disciplinary investigation by the County Council, and is likely to result in dismissal.

Name (please use CAPITALS):

Signature:

Date:

Post applied for: