

Criminal Conviction Declaration form (non Disclosure Scotland)



UNSPENT CONVICTIONS

For posts **NOT** requiring Protection of Vulnerable Groups (PVG) membership, standard or enhanced disclosure certificate.

We ask you to tell us about **UNSPENT CONVICTIONS** (Relevant convictions that are 'unspent' (as defined by the Rehabilitation of Offenders Act 1974) means that insufficient time has passed since the original offence without an individual re-offending; relevant unspent convictions have to be declared), **current charges** or whether you are **under investigation for a criminal offence** on this form. If you have no convictions write "NO CONVICTIONS" in the box.

The Rehabilitation of Offenders Act 1974 makes it unlawful for us to take account of offences which are spent. A spent conviction is one for which you are considered to be rehabilitated. The conviction becomes spent after a certain period of time (see page 3).

You should complete the form, sign and return immediately. This declaration is part of your pre-employment checks. Failure to complete and return the form could result in your start date being delayed or your offer of employment being withdrawn.

In the box below, please give details of **UNSPENT CONVICTIONS** or **CHARGES PENDING**.

PLEASE ALSO READ THE GUIDANCE OVERLEAF AND SIGN AND DATE THE DECLARATION AT THE BOTTOM OF THE PAGE AND RETURN THE FORM TO THE RECRUITMENT DEPARTMENT.



SPENT CONVICTIONS THAT MUST ALWAYS BE DISCLOSED

Some serious convictions, for example, murder, rape and terrorism must always be disclosed to an employer regardless of when the crime occurred. An employer is legally allowed to ask someone who works for them or that they might want to employ, to disclose if they have any that appear on the 'spent convictions that always must be disclosed' list.

Further guidance on the offences included in the list can be found at:

<https://www.mygov.scot/offences-always-disclosed/>

If after reading the guidance you are unsure of what to disclose please contact the HR recruitment department (contact details on unconditional offer letter) for advice.

In the box below, please give details of **CONVICTIONS THAT ALWAYS MUST BE DISCLOSED**.

I confirm that the information given above is accurate. I understand that providing inaccurate or misleading information could result in my dismissal or disciplinary action being taken against me.

Full Name:	
Signature:	Date:

Rehabilitation of Offenders Act 1974

This Act allows a person to treat a conviction for which they are deemed to be rehabilitated as if it had never happened for employment purposes. After the rehabilitation period set out in the Act the conviction becomes spent, provided further offences have not been committed before the period has expired.

The main rehabilitation periods are set out below:

REHABILITATION OF OFFENDERS ACT 1974 - CURRENT REHABILITATION PERIODS UNDER THE LAW OF SCOTLAND

Sentence	Rehabilitation period from date of conviction	
	Offenders aged 18 years or over at the date of conviction	Offenders aged under 18 years at the date of conviction
A sentence of imprisonment or youth custody or corrective training for a term exceeding six months but not exceeding thirty months	10 years	5 years
A sentence of imprisonment or youth custody for a term not exceeding six months	7 years	3½ years
A fine	5 years	2½ years
A variety of armed forces offences committed by young individuals, including offences committed by civilians	Sentence cannot be used for offenders aged 18 years or older	3 to 7 years
Community Order/Service Community Order	5 years	2½ years
Absolute Discharge	6 months	6 months
Conditional discharge	1 year or date of order (the longer of)	1 year or date of order (the longer of)
Hospital Order	5 years or length of Order plus 2 years (the longer of)	5 years or length of Order plus 2 years (the longer of)

For further guidance on spent and unspent convictions please refer to the Disclosure Scotland website: <https://www.mygov.scot/convictions-higher-disclosures>