

Rehabilitation of Offenders Act 1974

As part of its recruitment and selection process, Flaxton Parish Council routinely asks all applicants for details of any criminal records that are not “spent”.

Note of explanation about the Rehabilitation of Offenders Act 1974

Persons convicted of a criminal offence not involving a sentence of more than two and a half years imprisonment and who have had no further convictions within the periods specified below must be treated as though that offence, conviction and sentence had never occurred. In these circumstances, the individual is to be regarded as rehabilitated and his or her conviction “spent”.

Rehabilitation Periods

The periods below apply from the end date of the sentence. These periods are halved for those under eighteen years of age. Periods of rehabilitation are as follows, for:

- a) Custodial sentence of over 4 years, or a public protection sentence – never spent
- b) Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years) – seven years
- c) Custodial sentence of over 6 months and up to and including 30 months (2 ½ years) – four years
- d) Custodial sentence of 6 months or less – two years
- e) Community order or youth rehabilitation order - one year

The periods below apply from the date of conviction.

- f) Fine – one year (six months if aged under eighteen years)
- g) Conditional discharge – period of the order
- h) Compensation Order - on the discharge of the order
- i) Binding over order – period of the order
- j) Attendance centre order – period of the order
- k) Hospital order (with or without a restriction order) – period of the order

It is relevant for the purposes of the Act whether a sentence was suspended or not.

A rehabilitated person cannot be compelled to admit to or reveal “spent” convictions nor may such convictions, that became known, be used as a reason for not employing an applicant, for refusing promotion or for dismissal of an employee unless the position applied for is covered by the Exemptions Order 1975 as described below.

If the post for which you are applying involves substantial opportunity for access to vulnerable adults and children, it may be exempt from the Rehabilitation of Offenders Act 1974 (as amended). This means that any convictions, cautions, bind-overs, or pending prosecutions you may have must be declared even if they would otherwise be regarded as “spent” under the Act.

The Council is entitled to check with the Police for the existence and content of any criminal record of the successful applicant. Information received from the Police will be kept in strict confidence and will be destroyed immediately after the selection process is completed

**FLAXTON PARISH COUNCIL
REHABILITATION OF OFFENDERS ACT 1974**

The disclosure of a criminal record, or other information, will not debar you from appointment unless the Council considers that the conviction renders you unsuitable for appointment. In making this decision, the Council will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant, including appropriate considerations in relation to the Council's Equal Opportunities Policy.

The information you give will be treated in confidence.

Failure to declare a conviction, caution or bind-over may disqualify you from appointment, or result in summary dismissal if the discrepancy comes to light.

Please give details of any pending prosecutions or convictions you may have (including any otherwise regarded as "spent" under the Rehabilitation of Offenders Act 1974) and any cautions or bind-overs.

If you have no such convictions, cautions or bind-overs please state this to be so.

I realise that any failure to declare a conviction, caution or bind-over may disqualify me from appointment or result in summary dismissal if the discrepancy comes to light.

Signed: _____

Date: _____

Post Applied for: _____