**Criminal record declaration form**



This form must be completed by all applicants. The information disclosed on this form will not be kept with your application form during the application process. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

**Policy statement on recruiting applicants with criminal records**

Volunteer Edinburgh strives to recruit the best person for the job. On some occasions this is an ex-offender. A person’s criminal record will not, in itself, debar that person from being appointed to this post. Interviewers are trained so that all candidates will be assessed on their merit and only convictions relevant to the post will be taken into account.

Information about an applicant’s criminal record will only be looked at for those who have been short-listed and invited for interview. Information about applicants who have not been invited for interview will be destroyed unseen.

Please be prepared to be asked questions in relation to any unspent convictions, or cautions, disclosed. Please note any questions in relation to disclosures made will not dominate the interview process.

All cases will be examined on an individual basis and will take the following into consideration:

* Whether the conviction is relevant to the position applied for.
* The seriousness of any offence revealed.
* The age of the applicant at the time of the offence(s).
* The length of time since the offence(s) occurred.
* Whether the applicant has a pattern of offending behaviour.
* The circumstances surrounding the offence(s) and the explanation(s) offered by the person concerned.
* Whether the applicant's circumstances have changed since the offending behaviour.

It is important that applicants understand that failure to disclose all unspent convictions could result in disciplinary proceedings or dismissal.

Further advice and guidance on disclosing a criminal record can be obtained from Apex Scotland: apexscotland.org.uk, tel: 0131 220 0130.

|  |  |  |  |
| --- | --- | --- | --- |
| **Surname:** |  | **Forename:** |  |
| The Rehabilitation of Offenders Act 1974 (“the 1974 Act”) together  with the Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland)  Order 2013 (“the 2013 Order”) regulate what convictions an individual must disclose  when asked about their previous convictions in certain circumstances. This post is not exempt from the 1974 Act. We only ask applicants to disclose convictions which are not yet spent under these regulations. If you are not sure whether your convictions are spent, please contact us or Apex Scotland for further advice.  Do you have any unspent convictions? Yes 🞐 No 🞐  If you have answered yes, please provide details of your criminal record in the space below.  Continue on a separate sheet if you need to. | | | |
| **DECLARATION**  I declare that the information provided on this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role at **Volunteer Edinburgh.**  🗸 I have not withheld any information which may affect my application  🗸 Any false, misleading or omission of information may lead to dismissal  Signed: Date: | | | |

You may either:

* Print the form, write **CONFIDENTIAL** on the envelope and post it to:Recruitment, Volunteer Edinburgh, 222 Leith Walk, EH6 5EQ
* Or email the form to [finance@volunteeredinburgh.org.uk](mailto:finance@volunteeredinburgh.org.uk) with the subject line: **Confidential - Recruitment**

Below you will find information which will assist you in deciding whether your conviction(s) are spent or unspent (current).

* The ROA enables some criminal convictions to be “spent” or forgotten (for the purpose of employment) after a Rehabilitation Period.
* The length of the Rehabilitation Period depends on the sentence given – not the offence committed.
* Prison sentences of more than 2 1/2 years can never become spent and have to be declared.
* Some types of employment are exempt from the ROA and applicants will have to disclose all their convictions spent and unspent. The employer has to state on the application form that the job applied for has excepted status under the Exclusions & Exceptions Order (Scotland) 2003.

Jobs with excepted status would include:

* + Work involving national security – i.e. Civil Servants
  + Work involving vulnerable groups – i.e. Care Assistants
  + Work with legal protection – i.e. Nurses.

Examples of Sentences and their corresponding Rehabilitation Periods:

|  |  |  |
| --- | --- | --- |
| **SENTENCE** | **REHABILITATION PERIOD** | |
| People aged 18 or over at time of sentence | People aged under 18 at time of sentence |
| Prison sentence of 6 months or less | 7 years | 3.5 Years |
| Prison sentence of more than 6 months – 21/2 years | 10 years | 5 years |
| Probation | 5 years | 21/2 years |
| Fine, Community Service, Supervised Attendance Order | 5 Years | 2.5 years |
| Absolute Discharge, Admonishment | 6 months | 6 months |

**Working out when a sentence will be spent:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Sentence** | **Age** | **Date of Sentence** | **Rehab Period** | **Date Sentence Spent** |
| Fine | 19 | March 1995 | 5 years | March 2000 |

Note however, if you have been sentenced in front of a jury for an offence which has been committed during a previous Rehabilitation period, you may find that the second conviction makes the first Rehabilitation Period longer.

**Example of an extended Rehabilitation Period:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Sentence** | **Age** | **Date of Sentence** | **Rehab Period** | **Date Sentence Spent** |
| Fine | 19 | March 1995 | 5 years | March 2000\* |
| Prison 10 Months | 21 | June 1997 | 10 Years | June 2007 |

\*The first date of March 2000 will now be extended to June 2007; both sentences will now be spent in June 2007.