

The Cellar Trust Criminal Record Self-Disclosure Guidance Document

All job applicants are required to complete Criminal Record Self-Disclosure Form detailing criminal record information in relation to the Rehabilitation of Offenders Act 1974 and/or Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

Before you complete this form please read the following guidance carefully for more information about what you do and do not need to disclose. Please note that the level of disclosure required will depend on whether or not the post applied for is exempt from the Rehabilitation of Offenders Act 1974. You will be advised of this on application.

Guidance related to Rehabilitation of Offenders Act 1974

When completing the Criminal Convictions Self-Disclosure Form you will need to declare all UNSPENT criminal convictions and cautions that are not PROTECTED (i.e. eligible for filtering) as outlined in the Rehabilitation of Offenders Act 1974.

In April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act (LAPSO) introduced conditional cautions and youth conditional cautions to replace reprimands and final warnings. When completing this form, you need to declare **unspent** cautions. This also includes any unspent cautions that may have been issued in any other country where it would be an equivalent offence in England and Wales.

When applying for a role which has been identified as eligible for a basic disclosure only, you **are not** legally required to provide any information about criminal offences that have become spent. Certain criminal offences can be regarded as spent after a specified rehabilitation period as outlined by the Rehabilitation of Offenders Act 1974 (RAO).

Once this rehabilitation period has elapsed, you do not need to declare this information when applying to work or volunteer in any role covered by the ROA in an organisation, nor will this information be disclosed as part of any later request for a **basic disclosure** through the Disclosure and Barring Service (known as a DBS check).

Employers:

- will consider any criminal record information on a case-by-case basis
- only take into account information that is relevant to the position you are applying for
- balance this information against the skills and competencies you have demonstrated in the recruitment process
- balance this information alongside other information they have obtained about you as part of the pre-employment check requirements
- must not ask applicants for details of, or consider any convictions or cautions that have become spent, as part of their recruitment processes
- align to the Code of Practice issued by the Disclosure and Barring Service (DBS), which sets out what employers need to consider when criminal record information is disclosed in a DBS check
- If you declare information that is relevant to the role you are applying for, employers will take into account:
 - the seriousness of the offence(s)
 - your age when you committed the offence(s)
 - the length of time since the offence(s) occurred
 - if there is a pattern of offending behaviour

The Cellar Trust Criminal Record Self-Disclosure Guidance Document

- the circumstances surrounding the offence(s)
- any evidence you provide to show that your circumstances have changed since the offending behaviour.
- The criminal justice system is complex and often difficult to understand:
- You need to be clear about what information may be included on your criminal record,
- what you need to declare to any employer you may be working or volunteering with, and,
- your legal rights when doing so.

If you are unsure whether you have a criminal offence that needs to be declared to an employer, would like advice about how best to declare criminal record information or your rights, the following charity bodies offer free, independent and confidential advice:

[Nacro](#)

Tel: 0300 123 1999

Email: helpline@nacro.org.uk

[Unlock](#)

Tel: 01634 247350 (Mon-Fri 10am – 4pm)

Text or WhatsApp: 07824 113848

Email: advice@unlock.org.uk

Unlock have a useful [calculator](#) to help you. It identifies any unspent offences that you need to declare in this section.

Guidance related to Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

When completing Criminal Convictions Self-Disclosure Form you will need to declare all convictions that are not PROTECTED (i.e. eligible for filtering). Offences that are protected (filtered) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).

In April 2013, youth cautions and youth conditional cautions were introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LAPSO) to replace reprimands and final warnings. When completing this section, you will also need to declare all cautions and/or reprimands and final warnings which are not protected.

This includes any cautions and/or reprimands and final warnings that may have been issued in another country, where an equivalent offence in England and Wales is not protected.

Convictions, cautions, reprimands and final warnings must be declared regardless as to whether they are **spent** or are still considered **unspent**.

This requirement applies to certain healthcare positions which involve high levels of contact with children and adults who are receiving or accessing health and care services.

If the position is eligible for an enhanced disclosure, any later check an employer carries out with the Disclosure and Barring Service (known as a DBS check) may include other relevant non-conviction information held on police databases. This is at the discretion of the Chief of Police or Chief Constable of the relevant police force.

If the role you are applying for is a regulated activity as outlined by the Safeguarding Vulnerable Groups Act 2006 (amended by the Protection of Freedoms Act in 2012), the enhanced disclosure may also include any information that is held about you on the children's and/or adults barred list(s).

Employers:

- will consider any criminal record information on a case-by-case basis
- only take into account information that is relevant to the position you are applying for
- balance this information against the skills and competencies you have demonstrated in the recruitment process
- balance this information alongside other information they have obtained about you as part of the pre-employment check requirements
- align to the Code of Practice issued by the Disclosure and Barring Service (DBS), which sets out what employers need to consider when criminal record information is disclosed in a DBS check
- If you declare information that is relevant to the role you are applying for, employers will take into account:
 - the seriousness of the offence(s)
 - your age when you committed the offence(s)
 - the length of time since the offence(s) occurred
 - if there is a pattern of offending behaviour
 - the circumstances surrounding the offence(s)

The Cellar Trust Criminal Record Self-Disclosure Guidance Document

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