

Rehabilitation of Offenders Act 1974 declaration form

Failure to complete this form may render your application invalid.

Full Name:

Date of Birth:

Post Applied for:

Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?

No: Yes:

Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?"

No: Yes:

If you have answered yes to either of the questions above, please provide the following details and include in the envelope along with this form:

- Date of each conviction / pending hearing / reprimand / warning;
- The offence;
- The sentence; and
- The Police Force / Court involved.

Are you included on any list of people barred from working with children by the Disclosure and Barring Service (DBS) or Teaching Regulation Agency (TRA)?

No: Yes:

If you have answered yes to the question above, please provide details including dates and include in the envelope along with this form.

Declaration: I hereby certify that the information given above is true and accurate:

SIGNATURE :

DATE :

Please hand the enclosed declaration to the interviewer in an envelope marked “Confidential Rehabilitation of Offenders Act 1974 declaration”.

This post is covered by the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975** because it is a post which involves working directly with children or young people. If shortlisted for interview you are therefore required to declare whether you have any criminal convictions (or cautions or bind-overs) including those which are ‘spent’. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provide that when applying for certain jobs and activities, certain convictions and cautions are considered ‘protected’. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website:

<https://www.gov.uk/government/collections/dbs-filtering-guidance>

If your application is successful, prior to taking up your post, you will be required to undergo a **Formal Disclosure** process through the **Disclosure and Barring Service**. This will require you to complete a separate DBS application form and to provide a range of more than one piece of documentary evidence of your identity.

Although a criminal record involving offences against children is likely to debar you from appointment of this type of post, the existence of other criminal convictions will not necessarily be a bar to employment unless other restrictions are in place through the Children’s Barred List, DBS or Teacher Regulation Agency.

Any criminal record information arising out of the disclosure process will be discussed with you before any final decision is made about your employment.

It is a criminal offence to apply for or accept a position (paid or unpaid) working with children if you are excluded from such work by virtue of a court order or exclusion by the DBS.

A copy of the Criminal History (DBS) and Non-Police Personnel Vetting Checks Policy is available on request.

Criminal record certificates will only be issued directly to the applicant. The Local Authority/your employer will request that you show them your certificate and will record the Disclosure number and issue date and retain this on your personnel record and on its computerised personnel record system in accordance with the General Data Protection Regulation 2016 and Data Protection Act 2018. (the Data Protection Legislation). The school and Local Authority abide by the DBS Code of Practice and Keeping Children Safe in Education which state that a copy of the DBS Disclosure Certificate may only be retained with the permission of the applicant and shall not be retained for longer than 6 months, in order to comply with the requirements of the Data Protection Legislation.