Declaring Convictions – Scotland

The Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Amendment Order 2018

The post that you have applied for requires a basic, standard or enhanced disclosure or is one where your normal duties include regulated work and requires a PVG disclosure in accordance with at least one of the following pieces of legislation:-

* Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended)
* Exclusions and Exceptions (Scotland) Order 2013 (as amended)
* Protection of Vulnerable Groups (Scotland) Act 2007 (as amended)
* Police Act 1997 (as amended)

You are therefore required to disclose certain convictions or admonishments together with any other relevant non conviction information as requested below. Having a criminal record will not necessarily be a bar to working or volunteering with us. We will consider any information disclosed fairly and in accordance with the requirements of Rehabilitation of Offenders Act 1974.

This guidance relates to convictions or admonishments in Scotland. If you have any vetting information from England, Wales or Northern Ireland, you should refer to that country’s guidance on what to disclose.

Data Protection Act 2018

The information given in this form will be treated in strict confidence. When completed, document contains sensitive personal data as defined by the Data Protection Act 2018 and will be used only for the purpose it was requested and handled in accordance with the Act.

Unspent Convictions

*You must complete this section.*

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Do you have any unspent convictions?

If you have crossed yes, please provide details below.

All unspent convictions and admonishments must be disclosed. Please provide details of any unspent convictions and admonishments here:-

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Court | Offence | Disposal |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

Spent Convictions

This section should only be completed if you will be applying for a standard or enhanced PVG disclosure. *You should complete this section.*

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Do you have any spent convictions that must be declared?

If you have crossed yes, please provide details below.

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Court | Offence | Disposal |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

If you have any convictions for offences detailed in these lists below, you must provide this information here.

Please provide the details of any other relevant information here (including mitigation or relevant information):-

Declaration

|  |  |
| --- | --- |
| I certify that the information contained in this form is true and complete to the best of my knowledge and belief. I understand that any false information or omission in the information I have given may lead to the immediate suspension or termination of my volunteering or employment with the organisation.  I confirm that I have read and understood this declaration. | |
| Full name |  |
| Signed |  |
| Date |  |

|  |  |  |
| --- | --- | --- |
| **Sentence/disposal** | **Rehabilitation period for adults (18 or over)** | **Rehabilitation period for young people (under 18)** |
| Imprisonment or detention in a young offender institution for over 30 months (2 ½ years) | **Never spent** | **Never spent** |
| Imprisonment or detention in a young offender institution over 6 months but not exceeding 30 months (2 ½ years) | **10 years** | **5 years** |
| Imprisonment up to 6 months | **7 years** | **3 years 6 months** |
| Fine | **5 years** | **2 years 6 months** |
| Community Sentence | **5 years** | **2 years 6 months** |
| Conditional discharge | **The period of the order, or a minimum of 12 months (whichever is longer)** | **The period of the order, or a minimum of 12 months (whichever is longer)** |
| Absolute Discharge | **6 months** | **6 months** |
| Conditional Caution | **3 months** | **3 months** |
| Simple Caution, Reprimand, Final Warning | **Spent immediately** | **Spent immediately** |

|  |  |  |
| --- | --- | --- |
| **Some sentences carry variable rehabilitation periods. The main ones are as follows:** | | |
| Compensation Order | **5 Years** | **2 years 6 months** |
| Supervision Order | **The period of the order, or a minimum of 12 months (whichever is longer)** | **The period of the order, or a minimum of 12 months (whichever is longer)** |
| Bind Over | **The period of the order, or a minimum of 12 months (whichever is longer)** | **The period of the order, or a minimum of 12 months (whichever is longer)** |
| Attendance Centre Order | **A period ending one year after the order expires** | **A period ending one year after the order expires** |
| Hospital Order | **Five years, or a period ending two years after the order expires (whichever is longer)** | **Five years, or a period ending two years after the order expires (whichever is longer)** |

Important Note: This is intended as general guidance only. It must not be regarded as a definitive interpretation of the Rehabilitation of Offenders Act 1974. Anyone in doubt should seek legal advice