**Rehabilitation of Offenders Act 1974**

**(Exemptions) Order 1975**

|  |  |  |
| --- | --- | --- |
| FULL NAME: |  | |
| POSITION APPLIED FOR: | |  |

The job for which you are applying involves access to children. It is therefore exempt from the Rehabilitation of Offenders Act 1974. However, amendments to the Exceptions Order 1975 in 2013 provide that certain spent convictions and cautions are ‘protected’ and are not subject to disclosure to employers and cannot be taken 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/publications/dbs-filtering-guidance).

You are therefore required to declare any convictions, cautions or bind-overs you may have, unless they are ‘protected’. The information you give will be treated in confidence.

**Failure to disclose convictions, cautions or bound over orders may disqualify you from appointment or result in the termination of your contract if the discrepancy comes to light.**

|  |  |  |
| --- | --- | --- |
| Have you ever been convicted, cautioned or bound over for a criminal offence that is not ‘protected’? (*See list overleaf for help on protected cautions/convictions*) | YES |  |
| NO |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Are you currently involved in any criminal proceedings being taken against you? | | YES |  |
| NO |  |
| If ‘Yes’, please give full details (date, offence, penalty, stage of current criminal proceedings): |  | | |

|  |  |  |
| --- | --- | --- |
| Do you know any reason or incident, which might render you an unsuitable person to work with children? | YES |  |
| NO |  |

|  |  |  |
| --- | --- | --- |
| Do you consent to a criminal background check with the Disclosure and Barring Service (DBS)? | YES |  |
| NO |  |

If you are successful in your application, the information you have given will be checked with the DBS and your signature below will signify your agreement to this check being carried out. We will also undertake a check of the DBS children’s barred list and, for teaching posts, a check of the NCTL prohibited list. Please sign overleaf.

|  |  |  |
| --- | --- | --- |
| I |  | , declare that all information |
| given on this form is true. | | |

|  |  |  |  |
| --- | --- | --- | --- |
| Signed: |  | Date: |  |

**PLEASE RETURN THIS FORM WITH YOUR COMPLETED APPLICATION FORM**

**Help on ‘Protected’ Cautions and convictions**

**Cautions**

**Convictions**

Have you received a caution (or equivalent) for an offence on the list of exempt offences, i.e. offences that must be disclosed – see B below.

Have you received more than one conviction?

**Disclose them**

**Yes**

**No**

Did you receive a prison (custodial sentence, YOI, borstal) sentence (including a suspended prison sentence) for your conviction?

**Disclose it**

**Yes**

**No**

What age were you when you received the caution?

**Yes**

**No**

**Disclose it**

Is the conviction that you received on the list of exempt offences?

18 or over

Under 18

Disclose it if the caution was issued within the last 2 years

Disclose it if the caution was issued within the last 6 years

**Disclose it**

**Yes**

**No**

What age were you when you received the caution?

**The DBS list of offences**

A list of offences which will never be filtered has been derived from the legislation and is available on the DBS website [here](https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check).

Under 18

18 or over

Disclose it if the conviction was issued within the last 5 and a half years

Disclose it if the conviction was issued within the last 11 years

A. Common offences that are eligible for filtering

Below is a brief list of some of the more common offences that are eligible for filtering. The DBS has also created a list of offences that have been filtered so far, which can be seen [here](http://hub.unlock.org.uk/wp-content/uploads/Offencesfiltered.xlsx). If your offence is on this list, it is one that could be eligible for filtering, providing it meets the other criteria.

1. Common assault
2. Drunk and disorderly conduct
3. Harassment
4. Theft (where no violence is involved)
5. Drugs offences that involve simple possession.

B. Common offences that are exempt (i.e. must always be disclosed)

1. Many sexual offences
2. Indecent assault on female 16 or over
3. Possessing indecent photographs of children
4. Sexual activity in a public lavatory
5. Offences that involve a certain degree of violence, for example
6. Affray
7. Assault occasioning actual bodily harm
8. Robbery or assault with intent to rob
9. Stalking a person causing fear or violence
10. Safeguarding offences
11. Wilfully abandoning a young person under 16
12. Taking a child out of the UK without the appropriate consent
13. Drugs offences that involve supply, for example supplying a controlled drug (Class C)