

# Criminal record and barring checks

## Declaration of Convictions, Cautions, Reprimands and Formal Warnings

Depending on the role you apply for, we may be required to check whether you have a criminal record and the need for this check will be identified in the Person Specification. Such roles will be subject to a satisfactory disclosure from the Disclosure and Barring Service (known as a DBS check).

## Recruitment and Employment of Ex-Offenders

The Rehabilitation of Offenders Act 1974 helps rehabilitated ex-offenders back into work by allowing them not to declare criminal convictions and cautions to employers after a defined rehabilitation period has elapsed, and the convictions become "spent".

During the rehabilitation period, convictions and cautions are referred to as being "unspent". However, unspent convictions, cautions, reprimands and final warnings **must always** be declared as defined by the Rehabilitation of Offenders Act 1974 (as amended by the Legal Aid, Sentencing and Punishment Act 2012).

## Exemptions

To protect the vulnerable, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) **exempts some professions** from this approach (such as posts involving work with children/vulnerable adults or in positions of trust). **Where the profession has been identified as being 'exempt'**, employers are legally permitted to consider all convictions, cautions or reprimands and final warnings that are not protected (or filtered out) by the provisions set out in the Exceptions Order. Protected offences will never be disclosed as part of a standard or enhanced DBS check when certain conditions have been met.

For information regarding filtering of convictions ('protected' offences) see: <https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>

## Conditional Offers of Employment

An offer of employment for a post involving work with children/vulnerable adults or in a position of trust will be conditional where required, on satisfactory completion of DBS checks. If you refuse to agree to an application to the DBS or a DBS check is completed but you refuse to allow us to see the DBS certificate, you will be treated as not having satisfactorily completed the DBS check.

Not all criminal convictions will be a bar to employment. The results of a DBS check will be considered on an individual basis and we will act in a proportionate manner when deciding whether to proceed with the appointment to the post in question. However, the protection and safeguarding of children/vulnerable adults is our primary concern.

All information provided by applicants and the DBS will be treated in strictest confidence.

**Sandwell's DBS Declaration:** Self-declaration of suitability to work in posts requiring a Disclosure and Barring Service check:

Where the post involves working with children/vulnerable adults or in a position of trust and where it is exempt from the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) you must disclose details of all unfiltered convictions, cautions or reprimands and final warnings.

For further guidance on positions that are eligible for a DBS check, see: <https://www.gov.uk/government/publications/dbs-check-eligible-positions-guidance>.

For information regarding filtering of convictions ('protected' offences) see: <https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>

Any information given will be treated as confidential and will be requested and considered only in relation to posts to which the Order applies.

Do you have any spent or unspent convictions, cautions, reprimands or final warnings?  
(Required)