

REHABILITATION OF OFFENDERS ACT 1974

As part of its recruitment and selection process, Canvey Island Town Council routinely asks all applicants for details of any criminal records that are not “spent”.

Note of explanation about the Rehabilitation of Offenders Act 1974

1. Persons convicted of a criminal offence not involving a sentence of more than two and a half years imprisonment and who have had no further convictions within the periods specified below must be treated as though that offence, conviction and sentence had never occurred. In these circumstances, the individual is to be regarded as rehabilitated and his or her conviction “spent”.

Rehabilitation Periods

Periods of rehabilitation are as follows, for:

- a) A prison sentence of between six months and two and a half years – ten years
- b) A prison sentence of six months or less – seven years
- c) A sentence of borstal training – seven years
- d) A fine or other sentence (e.g. Community Service Order) for which no other rehabilitation period is proscribed – five years
- e) An absolute discharge – six months
- f) A probation order, conditional discharge or bind over – one year*
- g) A detention centre order from six months to two and a half years – five years
- h) A detention centre order from six months or less – three years
- i) A remand home, approved school or attendance centre order – until one year after the order expires
- j) A hospital order under the Mental Health Act – until two years after the order expires

* or until the order expires, which ever is longer.

It is relevant for the purposes of the Act whether a sentence was suspended or not.

Any conviction for indictable offences during an existing rehabilitation period has the effect of extending the period of the original conviction. In some cases this will mean that the rehabilitation period for the original offence will never become “spent”.

Rehabilitation periods are halved for offenders under the age of seventeen years at the time of conviction. Other periods are defined in the Act for specific types of punishment.

A rehabilitated person cannot be compelled to admit to or reveal “spent” convictions nor may such convictions, that became known, be used as a reason for not employing an applicant, for refusing promotion or for dismissal of an employee unless the position applied for is covered by the Exemptions Order 1975 as described below.

2. If the post for which you applying involves substantial opportunity for access to children, it is exempt from the Rehabilitation of Offenders Act 1975 (as amended). This means that any convictions, cautions, bind-overs, or pending prosecutions you may have must be declared even if they would otherwise be regarded as “spent” under the Act.

Canvey Island Town Council is entitled to check with the Police for the existence and content of any criminal record of the successful applicant. Information received from

the Police will be kept in strict confidence and will be destroyed immediately after the selection process is completed.

- 3 The disclosure of a criminal record, or other information, will not debar you from appointment unless the selection panel considers that the conviction renders you unsuitable for appointment. In making this decision, the council will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant, including appropriate considerations in relation to its Equal Opportunities Policy.

The information you give will be treated in confidence.

Failure to declare a conviction, caution or bind-over may disqualify you from appointment, or result in summary dismissal if the discrepancy comes to light.
