**Disclosure of Criminal Convictions - Advice to Applicants - Please read this information carefully**

Please complete this disclosure form as accurately as possible. The information provided will not be discussed at the interview itself. Prior to making an offer of employment, the panel will discuss and consider the relevance of the conviction. A separate arrangement will be made with you to discuss the conviction in greater detail only if you have been successful at interview and if the conviction is considered to be relevant to the post. An offer of employment would only be withheld or withdrawn on the basis of a criminal conviction where information has been knowingly withheld or where the nature of the offence is relevant to the post and would impact detrimentally on the applicant’s ability to carry out the function of the role, or would impact detrimentally for the care of existing members and employees.

 **Please return this form even if you are submitting a nil return.**

**Statement of non-discrimination**

Ballynafeigh Community Development Association is committed to equal opportunity for all applicants including those with criminal convictions. Information about criminal conviction is requested to assist the selection process **and will be taken into account only when the conviction is considered relevant to the post**. Any disclosure will be seen in the context of the job criteria, the nature of the offence and the responsibility for the care of existing members and employees.

**Question**

Below you are asked to disclose any criminal convictions except those which are considered “SPENT” under the Rehabilitation of Offenders (NI) Order 1978. Having unspent convictions will not necessarily debar your application from being considered. To decide if your conviction is “SPENT”, please refer to the information overleaf.

|  |  |  |
| --- | --- | --- |
| DATE OF CONVICTION | OFFENCE | SENTENCE |
|  |  |  |

Please provide any other information you feel may be of relevance such as:

* The circumstances of the offence
* A comment on the sentence received
* Any relevant developments in your situation since then
* Whether or not you feel the conviction has relevance to the post.

|  |
| --- |
|  |

Please continue on a separate sheet if necessary

*I declare that any answers are complete and correct to the best of my knowledge.*

SIGNED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_DATE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUMMARY OF LEGISLATION**

**THE REHABILITATION OF OFFENDERS (NI) ORDER 1978**

The following sentences become “SPENT” after fixed periods from the date of conviction.

If a conviction is “spent” you do not have to mention it, even when asked, unless applying for a post which is “excepted” under this legislation

|  |  |  |
| --- | --- | --- |
| Sentence | Aged 18 or over at conviction (Adult) | Under 18 years at conviction (Juvenile)  |
| Absolute Discharge | 6 months |
| Probation Order, Bind Over, Conditional Discharge, Care/Supervision Order | Date Order ceases OR 1 year – whichever longer  |
| Attendance Centre Order | 1 year after Order expires |
| Fine or Community Service Order Combination Orders | 5 years | 2.5 years |
| Prison – (immediate or suspended) OR Young Offenders Centre – sentence of 6 months or less | 7 years | 3.5 years |
| Prison – (immediate or suspended) OR Young Offenders Centre over 6 months up to and including 2.5 years | 10 years | 5 years |
| **NB: CUSTODIAL SENTENCE OF MORE THAN TWO AND A HALF YEARS CAN NEVER BECOME SPENT** |

* Consecutive prison sentences count as a single term when calculating the rehabilitation period.
* If more than one sentence was imposed for an offence, the longer rehabilitation period applies.
* If a person receives new conviction during rehabilitation period:
	1. for a summary offence (i.e. can only be tried at Magistrates Court) both rehabilitation periods expire separately;
	2. for more serious offence (i.e. which **could** be tried at the Crown Court) **neither** conviction will become spent until longest period expires.
* Cautions, reprimands and final warnings are not considered to be convictions and become “spent” immediately unless relevant to “excepted” posts.
* It is an offence for anyone to give information about spent convictions from official records excepted in the course of official duties.

**THE REHABILITATION OF OFFENDERS (EXEPTIONS) ORDER) (NI) 1978**

**(Amended by 1987, 2001 and 2003 Orders)**

A range of occupations are exempt from the legislation for these posts, applicants **MUST** disclose information on both “spent” **AND** “unspent” convictions. The list of posts is extensive and can be summarised as follows:

* WORK THAT INVOLVES CONTACT WITH CHILDREN OR YOUNG PEOPLE OF VULNERABLE ADULT GROUPS – e.g. provision of health care or social services, work with children such as youth work, education, or with adults with learning disabilities, mental illness, the elderly.
* PROFESSIONS THAT ARE REGULATED BY LAW – e.g. medical practitioner, nurse, chemist, option, accountant, manager of an insurance company.
* POSTS INVOLVING NATIONAL SECURITY e.g., security personnel or senior civil service posts.
* POSTS CONCERNED WITH ADMINISTRATION OF JUSTICE e.g. police officers, solicitors, probation officers, traffic wardens, judges, prison officers.

For further information please contact NIACRO 028 9032 0157