**Declaring Convictions – Scotland**

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

The post that you have applied for requires **an 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 (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, enhanced or PVG disclosure. Do not complete this section if you are applying for a basic disclosure.

The 2018 amendment order gives 2 lists of spent convictions. You can view details of these at this link: <https://www.volunteerscotland.net/for-organisations/disclosure-services/resources/> or you can ask us to send you the list if necessary.

Convictions detailed on the first list (appendix 1) should only be detailed if 15 years from the date of conviction have not passed unless you were imprisoned or detained in a young offender institution for over 30 months in which case you must always disclose this information.

Those in the second list (appendix 2) should only be disclosed if they are still within the rehabilitation periods detailed in the table at the end of Appendix 2.

If you have any convictions for offences detailed in these lists which have passed the timescales detailed above, you should not disclose these on this form, however, please be aware that if you are applying for a Standard, Enhanced or PVG disclosure, this information can be released on your certificate for longer than the normal rehabilitation period (see Conviction Disclosure Guidelines table below).

Disclosure Scotland will notify you if you have any convictions which fall under this extended disclosure period as you can (if you wish) apply to have this information removed from your disclosure. Where such information is released, we will discuss this with you when we receive our copy of your disclosure. Please note that applying to have this information removed does not guarantee its removal, the final decision on this will be made by a Sheriff.

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

|  |  |  |  |
| --- | --- | --- | --- |
| Date | Court | Offence | Disposal |
|  |  |  |  |
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Conviction Disclosure Guidelines

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| --- | --- | --- | --- |
| Minor conviction | Conviction detailed in Appendix 1 - Offences which must be disclosed subject to exceptions (from 17th Feb 2018) | Conviction detailed in Appendix 2 - OFFENCES WHICH ARE TO BE DISCLOSED SUBJECT TO RULES (from 17th Feb 2018) | Imprisonment or detention in a young offender institution for over 30 months (2 ½ years) |
| Will be detailed for the rehabilitation period as detailed in the table at the end of the attached document (Declaring Convictions Scotland).   The conviction will not be detailed after it becomes spent. | Will be detailed for a minimum of 15 years and then, if spent, the individual can apply to have the information removed. | Will be detailed for a minimum of the rehabilitation period and then potentially for up to 15 years from the date of conviction. After the initial rehabilitation period and if spent, the individual can apply to have the information removed.  The conviction will not be detailed after this period. | Never spent |

Please provide the details of any other relevant information here:-

Barred Lists

This section should only be completed if you will be applying for PVG disclosure. Do not complete this section if you are applying for a basic, standard or enhanced disclosure.

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| I understand that my role involves regulated work and confirm that I am not barred from the relevant regulated work group(s). |
| Signed  | Date |

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 |  |
| Address |  |
| Signed |  |
| Date |  |