TEAM TOOL BOX – FACT SHEET

REHABILITATION OF OFFENDERS ACT 1974

This is only intended to provide a general overview and very basic guide. We hope it helps but if more detailed assistance is required then please contact TEAM Head Office or any Member of the TEAM Legal panel.

1. General principle

To facilitate access back into community for persons convicted of criminal offence who have not re-offended, and whose prison sentence was not more than 30 months.

Statutory scale of periods after which an offender can regard most convictions, which do not involve a prison sentence of more than 30 months, as spent, i.e. as if it never occurred.

2. Rehabilitation periods

Vary between 5 and 10 years according to sentence e.g. an individual sentenced to imprisonment for 6 months or less can regard conviction as spent after 7 years from date of conviction.

3. Spent and unspent convictions

- Candidate does not have to disclose spent convictions (unless exempted occupation, see below).
- If spent conviction disclosed or known, it must be ignored unless exempted occupation, or unless information deliberately withheld before conviction became spent, and would have made a difference.
- If employer concerned not to appoint someone with an un-spent conviction involving imprisonment, best to verify continuity of employment with previous employers and verification of any gaps in record.
- Under Rehabilitation of Offenders Act (Exemptions) Order 1975 there are certain occupations (see below) whereby employer has right to request information on spent convictions.
- Under Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 1986 exemption only valid when person questioned, informed spent convictions to be disclosed.

4. Exempted occupations

- Professions such as doctors, nurses, dentists, chemists, opticians, accountants, teachers etc
- Admission to these professions may be refused because of spent convictions, and also admissible evidence in disciplinary proceedings.
- Certain specific offices and employments such as judicial appointments, police, traffic wardens, taxi drivers, firearms dealers, prison service, involving access to young, old, handicapped etc.

A spent conviction may be grounds for refusing someone employment in such occupations.

5. Procedure for exempted occupations

- Normally client will advise vacancy (booking) is exempted occupation covered by ROA 1974 (Exemptions) Order 1975.
- Important to ensure candidates advised at initial interview employment is exempted occupation and therefore they may be obliged to complete special application form disclosing spent convictions, which may be subject to verification via Criminal Records Bureau (CRB).