

REHABILITATION OF OFFENDERS

The Rehabilitation of Offenders Act 1974 (the “1974 Act”) provides that, subject to certain exceptions, those convicted of a criminal offence who have not re-offended during a specified period from the date of conviction will be deemed rehabilitated and their conviction ‘spent’. The period of time that must pass before a conviction is spent depends on the sentence imposed rather than the nature of the offence.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 amended the time periods. The amendments were brought into force on 10 March 2014. All the changes are retrospective.

Sentence	Rehabilitation period for people aged 18 and over when convicted (Under 18 rehabilitation period is given in brackets) ¹
Absolute discharge (i.e. offence committed but no penalty imposed)	No rehabilitation period
Fines and community orders	1 year from date of conviction (Under 18: 6 months from date of conviction)
Custodial sentence (up to and including 6 months)	2 years from end of sentence (Under 18: 18 months from end of sentence)
Custodial sentence (over 6 months, up to and including 2.5 years)	4 years from end of sentence (Under 18: 2 years from end of sentence)
Custodial sentence over 2.5 years and up to and including 4 years	7 years from end of sentence (Under 18: 3.5 years from end of sentence)
Custodial sentence over 4 years or public protection sentence	Never spent (Under 18: Never spent)

Most spent convictions do not need to be disclosed to a potential employer. Failure to disclose a spent conviction is not a lawful ground for dismissal or exclusion. The Church of England fully supports the principle of rehabilitation and applies it to all recruitment practice.

Those posts with regular contact with children, young people and other vulnerable people, are excepted from the relevant provisions of the 1974 Act. Applicants for such posts should be advised that they will be subject to a criminal record check from the Disclosure & Barring Service before the appointment is confirmed. This will include details of cautions, reprimands or final warnings, as well as convictions, and other relevant information, subject to the Disclosure & Barring Services’ filtering guidance at <https://www.gov.uk/government/publications/dbs-filtering-guidance>

Further guidance on the 1974 Act and other rehabilitation periods can be found on the Unlock (www.unlock.org.uk) and Nacro websites (www.nacro.co.uk)

¹ Please note that motoring offences which result in an endorsement (i.e. points on the driving licence) are disclosable for 5 years from the date of conviction for an adult (or 2.5 years if under 18). In such cases, therefore, these will be disclosable for a greater period of time than a 1 year prison sentence.

Examples of the types of occupations, posts and activities in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

Please be aware that this is **not** a comprehensive list and merely gives an indication of the general types of employment that are included in the Exceptions Order.

1. Regulated activity with children and other activities which involve working closely with children such as caring for, training, supervising or being solely in charge of children under 18 (including adoption, fostering, day care and childminding)
2. Regulated activity and other activities which involve caring for, training, supervising or being solely in charge of other people in vulnerable circumstances (including social work and advocacy services)
3. Employment in healthcare professions (including medical practitioners, dentists, nurses, midwives, optometrists, registered pharmacists and osteopaths)
4. Employment concerned with national security (including the provision of air traffic services and employment by the UK Atomic Energy Authority)
5. Employment in the legal profession (including barristers, solicitors, legal executives, the Crown Prosecution Service and judicial appointments)
6. Offices and positions in HM Courts and Tribunals Service and the Judicial Office (including Justices' and sheriff's, court and tribunal security officers and contractors with unsupervised access to court-houses, tribunal buildings, offices and other accommodation used in relation to the court or tribunal)
7. Employment in law enforcement (including police constables and cadets, the naval, military and air force police, traffic wardens and employment in the Serious Fraud Office (SFO) and the Serious Organised Crime Agency (SOCA))
8. Offices responsible for the enforcement of warrants and writs (including Court officers who execute county court warrants, High Court enforcement officers, sheriffs and Civilian enforcement officers)
9. Employment in the Prison and Probation Services (including prison and probation officers, members of boards of visitors etc.)
10. Employment in the financial sector (including chartered and certified accountants, actuaries and all positions for which the Financial Conduct Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000)
11. For licensing purposes (including the National Lottery, gambling, firearms and drugs licensing purposes, Security Industry Authority licences, and licensing hackney carriages or private hire vehicle drivers)