



Criminal Records Checks

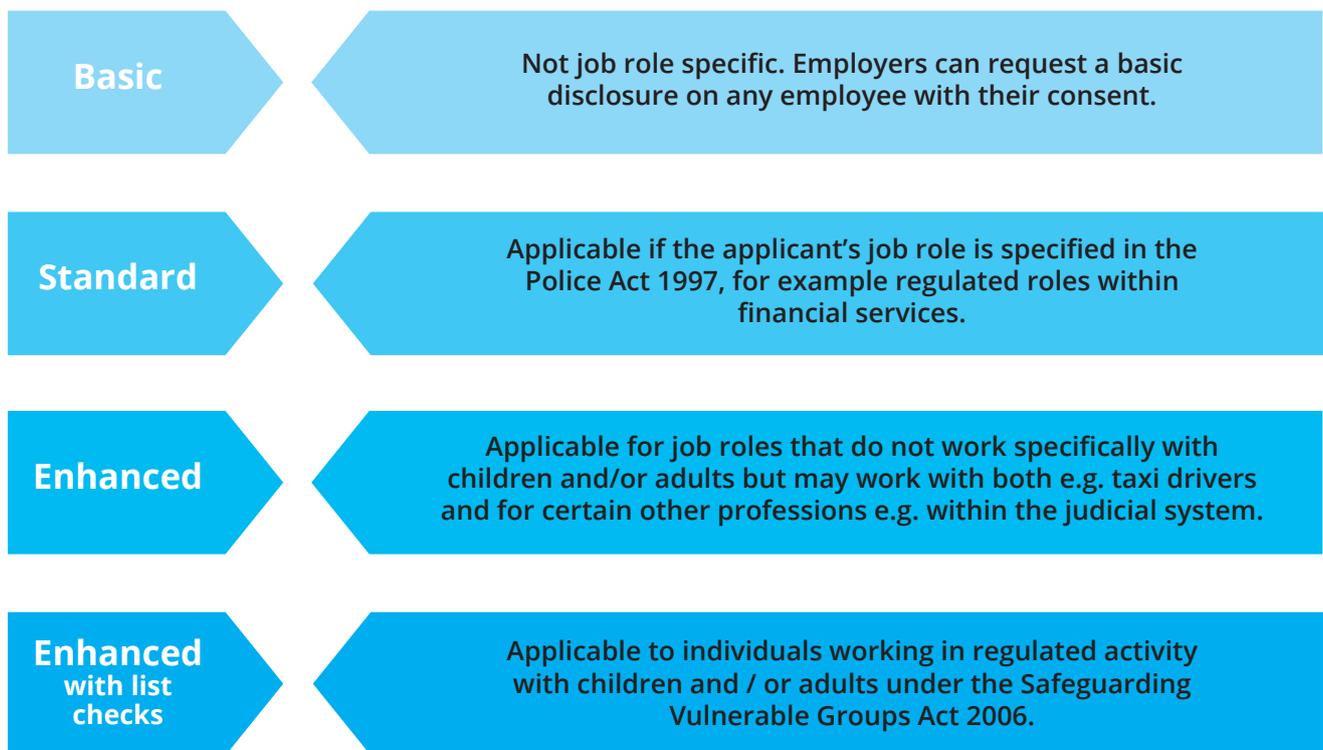
A Quick Guide

**KNOW YOUR
CANDIDATE**

Criminal Record Checks can seem confusing at first glance. Which level of check is the correct one for the job role? What information is returned? How does the application process work? What should we do if the applicant has convictions? This informative guide answers these questions and more to help you get it right first time.

Which level of criminal record check is the correct one for the job role?

There are four levels of criminal record check (or 'disclosure' as they are referred to): Basic, Standard, Enhanced and Enhanced with List Checks. The level of disclosure applicable is determined the applicant's job role or profession. Standard, Enhanced and Enhanced with List Checks can only be obtained if the applicant's job role or profession is specified in the Police Act 1997 and/or the Rehabilitation of Offenders Act 1974 (Exception) order 1975.



What information is returned?

Each of the four types of disclosure return different levels of information:

| | Basic | Standard | Enhanced | Enhanced with list checks |
|---|-------|----------|----------|---------------------------|
| Unspent Convictions | ✓ | ✓ | ✓ | ✓ |
| Spent Convictions | X | ✓ | ✓ | ✓ |
| Cautions | X | ✓ | ✓ | ✓ |
| Information Held Locally by Police Forces | X | X | ✓ | ✓ |
| Children's and / or Adults Barring Lists* | X | X | X | ✓ |

* Where relevant to the job role applied for

Frequently Asked Questions

How long is a criminal record check valid for?

Any information revealed on a disclosure certificate will be accurate at the time the certificate was issued. Disclosure certificates do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the candidate at any time after it is issued. You should check the date of issue on the certificate to decide whether to request a newer one. In certain employment sectors a new criminal record check may be required periodically.

Do criminal record checks cover information from outside the UK?

No, the 3 criminal records bodies in the UK cannot access criminal record data held overseas.

What are 'Spent' and 'Unspent' convictions?

Under the Rehabilitation of Offenders Act 1974, convictions become 'spent' following a rehabilitation period. The rehabilitation period will vary depending on the conviction. An unspent conviction is one where the rehabilitation period has not expired. A custodial sentence of more than four years will never become spent.

How long does it take for a conviction to become 'spent'?

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. It is calculated from the date of conviction or the end of the sentence. The rehabilitation periods are shown in the table below.

| Custodial Sentences | Rehabilitation Period (from end of the sentence) |
|---------------------|--|
| 0 – 6 months | 2 years |
| 6 – 30 months | 4 years |
| 30 months – 4 years | 7 years |
| More than 4 years | Never |

| Non-Custodial Sentences | Rehabilitation Period (from end of the sentence) |
|-------------------------|--|
| Community Order | 1 year |
| Fine | 1 year (from date of conviction) |
| Absolute Discharge | None |
| Cautions | None |
| Conditional Caution | 3 months |

The rehabilitation period is halved if the applicant was under 18 when convicted (except for sentences of up to 6 months where it's the sentence period plus 18 months).

What should we do if our applicant has a conviction?

The majority of criminal record checks will be clear, however, in circumstances where convictions are returned employers should not automatically de-select the applicant from the recruitment process. Time should be taken to engage with the applicant and assess:

- The nature and background of the offence
- The relevance to the job role
- Whether the offence would affect the individual's ability to do the job
- The age of the candidate at the time of conviction
- The length of time since the offence occurred
- Whether the conviction was a one-off or part of a pattern of repeat offending

The CIPD, NACRO and Apex Scotland all provide guidance regarding employing ex-offenders.

How does the application process work?

There are three criminal records bodies in the UK. The level of disclosure required and where your applicant lives determines which body is used.

Access NI

Access NI processes Standard and Enhanced Disclosures for applicants living in Northern Ireland.



Disclosure Scotland

Disclosure Scotland processes Basic Disclosures for the whole of the UK and Standard and Enhanced Disclosures for applicants living in Scotland.

Disclosure and Barring Service

The Disclosure and Barring Service (formerly known as the CRB) processes Standard and Enhanced Disclosures for applicants living in England and Wales.

Online, Paper, e-bulk?

There are 3 application methods depending on the level and volume of checks required:

| | Online | Paper Application Form | Electronic (e-bulk) |
|----------|--------|---|--|
| Basic | ✓ | ✓ | X |
| Standard | X | ✓ | ✓ |
| Enhanced | X | ✓ | ✓ |
| Notes | | The DBS, Disclosure Scotland and Access NI all use different application forms and applications to each body must be submitted using their particular form. | The e-bulk service is open to organisations making Standard & Enhanced Checks for applicants living in England and Wales processing 1500+ checks in any 12-month period. |

Outsource your Criminal Record Checks to Know Your Candidate

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