

## Rehabilitation of Offenders Act 1974

The provisions of this Act make it unlawful for employers or prospective employers to take into account offences in relation to which the person concerned is considered to be rehabilitated, i.e. the offence/s for which they were convicted may be regarded as 'spent' or expired after the lapse of a certain number of years. This means that no reference need be made to such convictions or circumstances relating to them.

For some occupational categories, the Rehabilitation of Offenders Act Exceptions Order 1975 applies, which means that a conviction must be declared and can never be regarded as 'spent'. For certain jobs, e.g. in Education, Children's Services and Social Work, a PVG check may also be necessary.

If you are in any doubt as to whether you should declare certain information, you should seek advice from a member of Human Resources, or from a legal adviser or other independent source.

Only convictions, if any, relevant to the job will be taken into account.

### Spent Convictions

Any conviction where the sentence is 2½ years or less is regarded as being spent after completion of the rehabilitation period. Any conviction with a sentence of more than 2½ can never be regarded as spent.

### Rehabilitation Periods

The length of a rehabilitation period depends on the sentence given. For a custodial sentence, the length of time actually served is irrelevant as the rehabilitation period is determined by the original sentence and commences on the date of conviction. A suspended prison sentence is treated as one that has taken effect, so the rehabilitation period is the same as for the full sentence. Some sentences become 'spent' after fixed periods from the date of conviction; for others, rehabilitation periods vary.

#### **Sentences of 2.5 or more years can never become 'spent'**

Other sentences become spent after fixed periods from the date of conviction. Here are some examples:

SENTENCE	REHABILITATION PERIOD	
	People 17 years or over when convicted	People under 17 years when convicted
Prison (immediate or suspended sentence) or youth custody. More than 6 months, not exceeding 2.5 yrs.	10 years	5 years
Prison (immediate or suspended sentence) or youth custody. Not exceeding 6 months.	7 years	3.5 years
Fine or Community Service Order	5 years	2.5 years
Absolute Discharge	6 months	6 months

<p><b>There are 2 sentences for people under 21 years for which there is no variation in the rehabilitation period according to age, when convicted</b></p>		
Borstal (replaced by youth custody in May 1983)	7 years	
Detention Centres	3 years	
<p><b>For some sentences, the rehabilitation period varies the main ones are as follows:</b></p>		
SENTENCE	REHABILITATION PERIOD	
Probation, Supervision, Care Order, Conditional Discharge or Bindover	1 year, or until the Order expires (whichever is the longer)	
Attendance Centre Orders	1 year after the Order expires	
Hospital Orders (with or without restriction order)	5 years, or 2 years after the Order expires (whichever is the longer)	
Orders imposing a disqualification, disability or prohibition	Until the Order expires	