

BEDFORDSHIRE FIRE AND RESCUE SERVICE
GUIDANCE NOTES FOR APPLICANTS
REHABILITATION OF OFFENDERS ACT 1974

This note has been produced to offer guidance when entering details in the section of the application form that deals with criminal offences. You should read this note carefully before completing this section.

Bedfordshire Fire and Rescue Service have made a commitment not to discriminate against ex-offenders and if you have to disclose any previous convictions this will not automatically exclude you from the application process. Former convictions will only be considered and taken into account where relevant to the role of a Firefighter.

What is a 'Spent' Conviction?

Under the provisions of the Rehabilitations of Offenders Act 1974, if someone has been convicted of an offence and is not convicted again during a specified rehabilitation period, their conviction is deemed to be 'spent'. A spent conviction need not be disclosed on your application form. If, however, your conviction has not been spent, you must disclose it on your application form.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

How long are Rehabilitation Periods?

This guidance has been revised following the implementation of changes to the Rehabilitations of Offenders Act included in the Legal Aid and Sentencing and Punishment of Offenders Act 2012.

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. Rehabilitation periods that run beyond the end of a sentence is made up of the total sentence length plus an additional period that runs from the end of the sentence, which is called the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.

The 'buffer periods' are halved for those who are under 18 at date of conviction (save for custodial sentences of six months or less where the 'buffer period' is 18 months).

The rehabilitation periods for sentences with additional "buffer periods" which run from the end date of the sentence are shown in the table overleaf.

Important note: This is intended as general guidance only. It is not legal advice and must not be regarded as a definitive interpretation of the Rehabilitations of Offenders Act. Anyone in doubt should seek their own legal advice.

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order**	1 year	6 months

**Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.*

***In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.*

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 year	6 months
Conditional discharge,	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order*	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

If you have previous convictions for which the specified rehabilitation period is not yet expired **you must** declare these convictions on your application form. It is the sentence imposed by the Court that counts (even if it is a suspended sentence), not the actual time spent in prison.

Any information given will be treated as confidential and used only in connection with the application.

Disclosure and Barring Service Checks

Posts that have been identified as involving access to children and or vulnerable adults will be subject to rigorous checks. This will include obtaining either a Standard or Enhanced Disclosure from the DBS. Applicants will be notified if their post requires a check to be undertaken. Checks will be carried out upon appointment. DBS fees will be incurred by the Fire and Rescue Service.

Where Can I Get Further Advice

If you are unsure about whether you have to declare a previous conviction you should contact your local Probation Office or the Citizens Advice Bureau or your Solicitor or consult the Home Office Publication 'A Guide to the Rehabilitation of Offenders Act 1974'.

Further information about the DBS can be obtained from www.gov.uk/disclosure-barring-service-check