**Criminal Declaration Form**

Our organisation treat all applicants fairly and consistently in accordance with the requirements of Rehabilitation of Offenders Act 1974 (as amended). We do not differentiate between paid and unpaid roles when applying the criteria detailed in this policy, the assessment is based entirely on the requirements of the role and any information shared with us either through self-disclosure or contained in a disclosure certificate. The level of disclosure which we will access will be the appropriate level for the role (basic, standard, enhanced or PVG).

**Note: You do not have to provide this information, however, please be aware that if any convictions (spent or current) are detailed on your Protection of Vulnerable Groups (PVG) membership certificate which will be**

**obtained from Disclosure Scotland upon joining our organisation, or if you are considered by PVG to pose**

**any risk to children, Glasgow Children’s Hospital Charity reserve the right to apply our own policy on risk assessment and if necessary terminate your employment/volunteering.**

Have you ever been convicted or found guilty by a Court of any offence in any country (excluding parking but including all motoring offences even where a spot fine has been administered by the police) or have you ever been put on probation (probation orders are now called community rehabilitation orders) or absolutely/conditionally discharged or bound over after being charged with any offence or is there any action pending against you? You need not declare convictions, which are ‘spent’ under the Rehabilitation of Offenders Act (1974). Please see Appendix Table A for guidance.

YES  NO

*(If yes, please give details overleaf)*

Have you ever been convicted by a Court Martial or sentenced to detention or dismissal whilst serving in the Armed Forces of the UK or any Commonwealth or foreign country? You need not declare convictions, which are ‘spent’ under the Rehabilitation of Offenders Act (1974).

YES  NO

*(If yes, please give details overleaf)*

Are you an undischarged bankrupt?

YES  NO

If you have been adjudicated bankrupt please tell us the date of the proceedings and the place they were held in the box below.

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| Are you involved in any other activities, which may compromise your position in the department where you may be accused of:  - Bias or prejudice in the conduct of official duties;  - Misuse of official information;  - Misappropriation of public funds?  YES  NO  *(If yes, please give details in the box below)* |

**If you answered yes to any of the above questions, please use this space to give us more information.**

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| **Declaration** |

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| May we get in touch with the court?  YES  NO  I understand that by not giving consent the Department may not have enough information to complete the pre-appointment enquires. |

**(Please place x in the box if you agree that your application is subject to the following statements)**

* I understand that if I am offered a post, a check against the National Collection of Criminal Records may be undertaken.
* I declare that all the information I have given on this application form is true to the best of my knowledge and belief.
* I understand that my application may be rejected and/or that I may be subject to disciplinary action if I am appointed and I have given false information or withheld relevant details.

I declare that the information I have given on this form is true and complete to the best of my knowledge and belief. In addition, I understand that any false information or deliberate omission in the information I have given on this form may disqualify me for employment with this organisation.

|  |  |
| --- | --- |
| Name |  |
|  |  |
| Signature |  |
|  |  |
| Date |  |

**Please note: You may be asked for evidence of identification if you are offered a post**

The information you have given above will be treated in strict confidence. You do not need to show the completed form to any representative of the company. If you wish, you may place the completed form in a sealed envelope, sign your name across the flap and return it to the person named in the job details.

**Important: Data Protection.** This form asks you to supply ‘personal’ data. You will be supplying this data to the appropriate authority where it may be processed exclusively for the purpose of a check against the National Collection of Criminal Records. The authority will protect the information, which you provide and will ensure that it is not passed to anyone who is not authorised to see it.

By completing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.

**PLEASE READ THE FULL DATA PROCESSING INFORMATION SUPPLIED IN YOUR PACK**

# Table A - Disclosure periods: ordinary cases

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| Sentence | Disclosure period – aged 18 or over | Disclosure period – aged under 18 |
| A custodial sentence not exceeding 12 months | The term of the sentence plus 2 years | The term of the sentence plus 1 year |
| A custodial sentence exceeding 12 months but not exceeding 30 months | The term of the sentence plus 4 years | The term of the sentence plus 2 years |
| A custodial sentence exceeding 30 months but not exceeding 48 months | The term of the sentence plus 6 years | The term of the sentence plus 3 years |
| A custodial sentence exceeding 48 months | NEVER SPENT  A review mechanism will be available in due course for relevant sentences over 48 months. | NEVER SPENT  A review mechanism will be available in due course for relevant sentences over 48 months. |
| A fine | 12 months | 6 months |
| A compensation order under section 249 of the Criminal Procedure (Scotland) Act 1995 | 12 months | 6 months |
| An order for endorsement made by a court in relation to an offence mentioned in schedule 2 of the Road Traffic Offenders Act 1988 | 5 years | 2½ years |
| Caution for good behaviour  where, in respect of a conviction, a person was ordained to find caution for good behaviour in respect of a period (“the caution period”). | whichever is the longer of—  (i) 6 months from the date of the conviction,  (ii) the length of the caution period | whichever is the longer of—  (i) 3 months from the date of the conviction,  (ii) the length of the caution period |
| Ancillary Orders  Examples of 'ancillary orders' are, non-harassment order, supervision and treatment orders, football banning order, antisocial behaviour order, exclusion from licensed premises order, confiscation order, serious crime prevention order and an order disqualifying someone from driving. | Length of Order | |
| Category 2 Alternatives to Prosecution   * a conditional offer issued in respect of the offence under section 302 of the Criminal Procedure (Scotland) Act 1995, * a compensation offer issued in respect of the offence under section 302A of the 1995 Act, * a work order made against the person in respect of the offence under section 303ZA of the 1995 Act, * has, under subsection (5) of section 20A of the Nature Conservation (Scotland) Act 2004 (asp 6), given notice of intention to comply with a restoration notice given under subsection (4) of that section, and * has accepted an offer made by a procurator fiscal in respect of the offence to undertake an activity or treatment or to receive services or do any other thing as an alternative to prosecution, | Three Months | |
| Particular Court Orders –   * Community Payback Order, * Drug Treatment & Testing Order, and * Restriction of Liberty Order | whichever is the longer of—  (i) 1 year from the date of the conviction  (ii) a period beginning with that date and ending when the order ceases to have effect. | whichever is the longer of—  (i) Six months from the date of the conviction  (ii) a period beginning with that date and ending when the order ceases to have effect. |
| Absolute Discharge | Nil - become spent immediately on imposition. | |
| Admonishment | Nil - become spent immediately on imposition. | |
| children's hearing discharge | Nil - become spent immediately on imposition. | |
| a supervision requirement under any provision of the Children (Scotland) Act 1995 | Nil - become spent immediately on imposition. | |
| a guardianship order | Nil - become spent immediately on imposition. | |
| a compulsory supervision order under any provision of the Children's Hearings (Scotland) Act 2011 | Nil - become spent immediately on imposition. | |
| Adjournment or Deferral | Until relevant sentence given | |
| Certain Mental Health Orders -  Assessment Order  Treatment Order  Interim Compulsion Order | Length of order. | |
| Certain Mental Health Orders -  Compulsion Order with Restriction Order | Length of order.  If the restriction order ends and the CO remains, an application can be made to the Mental Health Tribunal for Scotland for disclosure of the CO to end 12 months after the restriction order ends. | |
| Compulsion Orders | Length of order.  After 12 months an application can be made to the Mental Health Tribunal for Scotland under section 164A of the MH 2003 Act for disclosure of CO to end. | |
| Juvenile Offenders  where  (a) send the person to an approved school, or  (b) commit the person to the care of a fit person | n/a | One year from the date of conviction. |
| Any sentence—  (a) not mentioned above in this Table or in Table B, or  (b) other than one to which section 5(2D) applies | 12 months | 6 months |

# TABLE B -Disclosure periods: service disciplinary sentences

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| Sentence | Disclosure period – aged 18 or over | Disclosure period – aged under 18 |
| A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's service | 10 years | 5 years |
| A sentence of dismissal from Her Majesty's service | 7 years | 3½ years |
| Any sentence of service detention within the meaning of the Armed Forces Act 2006, or any sentence of detention corresponding to such a sentence, in respect of a conviction in service disciplinary proceedings | 5 years | 2½ years |
| A custodial order under section 71AA of the Army Act 1955 or the Air Force Act 1955, or under section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months | 7 years | 7 years |
| A custodial order under schedule 5A of the Army Act 1955 or the Air Force Act 1955, or under schedule 4A of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is more than 6 months | 7 years | 7 years |
| A sentence of detention for a term exceeding 6 months but not exceeding 30 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval Discipline Act 1957 or section 209 of the Armed Forces Act 2006 | 5 years | 5 years |
| A sentence of detention for a term not exceeding 6 months passed under section 71A(4) of the Army Act 1955 or Air Force Act 1955, section 43A(4) of the Naval Discipline Act 1957 or section 209 of the Armed Forces Act 2006 | 3 years | 3 years |
| A custodial order under any of the schedules of the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 mentioned above, where the maximum period of detention specified in the order is 6 months or less | 3 years | 3 years |
| A custodial order under section 71AA of the Army Act 1955 or Air Force Act 1955, or section 43AA of the Naval Discipline Act 1957, where the maximum period of detention specified in the order is 6 months or less | 3 years | 3 years |