

Legal Information for Job Applications

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1. Rehabilitation of Offenders Act 1974 Guidance

The advert and attachments/enclosures contained within the application pack will confirm whether or not a post exempt from the Act.

Previous convictions

The application form asks you to provide details about previous convictions for criminal offences. You should read these guidance notes before completing the questions.

Posts exempt from the Act

If the post is exempt from the Act all convictions spent or unspent must be disclosed.

You must disclose all convictions irrespective of whether they are spent or not.

Posts non-exempt from the Act

If this post is not exempt from the Act:

Spent convictions

A conviction becomes spent after a certain length of time, which depends upon the sentence imposed and the individuals age at the time of conviction.

Under the [Rehabilitation of Offenders Act 1974](#), you do not need to provide details about previous convictions, which are 'spent'.

Examples are:

Sentence	Rehabilitation Period	
	People aged 18 or over when convicted	People aged 17 or under when convicted
Prison sentences of 6 months or less	7 years	3½ years
Prison sentences of more than 6 months to 2½ years	10 years	5 years
Borstal training (abolished in 1983)	7 years	6 years
Detention centres (abolished in 1988)	3 years	3 years
Fines, compensation, probation, community service, combination, action plan, curfew, drug treatment and testing, and reparation orders	5 years	2 ½ years
Absolute discharge	6 months	6 months

Exempt sentences

The following sentences are exempt from the Act:

- A sentence of imprisonment for life
- A sentence of imprisonment, youth custody, detention in a young offender institution or corrective training for a term exceeding 30 months
- A sentence of preventive detention
- A sentence of detention during Her Majesty's pleasure or for life or a sentence of detention for a term exceeding 30 months given to a young offender convicted of a grave crime or detention of more than 30 months of a child convicted on indictment or a Court Martial punishment
- A sentence of custody for life

Exempt and non-exempt posts

The following applies to both exempt and non-exempt posts.

- Any information given will be treated as confidential and used only in connection with this application
- An offer of employment may be withdrawn or dismissal may result if previous convictions for 'unspent' criminal offences are not disclosed
- If you have any doubts about whether you have to declare a previous conviction, you should contact your local Probation Office, Citizen's Advice or your solicitor

What does all this mean?

Recent amendments to the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020)** provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, if they are disclosed, employers cannot take them into account.

The rules were updated on 28th November 2020 as follows:

- warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- the multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

The application form will contain two questions where candidates are asked to declare unspent, spent and cautions not exempt from the Rehabilitation of Offenders Act 1974 (... 2020).

2. Disclosure and Barring Service (DBS)

The Disclosure and Barring Service makes decisions on the suitability of an individual to work with children or vulnerable groups.

There are three types of check that are [available through the Disclosure and Barring Service](#)

- standard
- enhanced (plus barred lists checked)
- enhanced (with no barred lists checked)

Standard

A standard check is available for certain specified occupations, licences and entry into certain specified professions. A standard check only checks the information held on the Police National Computer.

Enhanced (plus barred lists checked)

The enhanced check is the highest level of criminal record check and is available for those working in regulated activity with children or vulnerable adults.

An enhanced check includes information held on the Police National Computer, plus police information held and will also check the Disclosure and Barring Service barred lists (Adults/Children/List 99) as appropriate.

Enhanced (with no barred lists checked)

The check includes information held on the Police National Computer, plus police information but will not check the Disclosure and Barring Service barring lists (Adults/Children/List 99).

3. General conditions of employment

All applicants are asked to read these details before completing the application form.

- the application form must be completed - the use of a CV is acceptable but only as a supplement to this
- please complete the form in full. Do not disregard any section of it. The form is available printed to be typed or hand-written. You can also [complete an application form online](#).
- a candidate for appointment must disclose any relationship to a current or past member of staff
- premises for the children are in a protected wi-fi free zone. Mobile phones are not permitted in both houses throughout the working day.
- all prospective interviewees/candidates are required to turn their mobile phones off before entering the premises.
- photographic ID will be required at interview
- tours of the premises are conducted after part 2 of the interview process
- part 2 of the interview process requires the successful completion of a practical trial experience for minimum 3 hours.
- as a regulated child care provider, an Enhanced DBS check is required for all employees, the employer pays the fee.
- in the event the candidate leaves the setting within 6 full months of the start date, the cost of the DBS check will be deducted from final salary remuneration.

Conditions of service

Appointments are subject to:

- **A probationary period of three months** is applicable to all new employees.
- **One week's notice in writing** to be given on either side applies for the first three months, thereafter 6 weeks' notice will be required for service up to 2 years. The notice period is longer (usually 12 weeks) in the case of senior posts.
- **A Medical declaration** will be required for all posts. In this respect you will (if offered an appointment) be asked to complete a medical questionnaire.
- **Job Offer in writing** - you should not give notice to your present employer until you have received the job offer via email / letter.

Expenses in connection with interviews

Candidates attending an interview may be paid expenses in accordance with our pay scale. Expenses in general, are not paid until the conclusion of the recruitment process and he/she takes up duty with Saplings Nursery. In the event of a candidate withdrawing his/her application prior to the agreed start date or refusing the offer of an appointment on grounds which in the opinion of the interviewers are inadequate, no expenses will be paid.

Payment by bank credit transfer

All newly appointed staff are required to accept payment of salary by a credit transfer and for this purpose a bank or building society account is required.

Payroll data is processed either weekly (every Friday) or monthly – the default is monthly – on the last working day of every month.

People with disabilities

Applicants are requested to indicate in the appropriate section of the application form whether they consider that they have a disability. It is our policy to give full and fair consideration to applications for employment by disabled people, having regard to their aptitudes, abilities and capability to work with and support young children.

Any disabled applicants meeting the essential criteria set out in the person profile for a job will be guaranteed an interview. Disabled employees are given the same opportunity as other employees for training, career development and promotion.

Restrictions

You should declare any similar business, financial and/or political interests which might conflict with the duties or responsibilities of this post.

Acknowledgement of application

It is our policy to acknowledge receipt of job applications.

In normal circumstances, every effort is made to arrange interviews within one to two weeks of the closing date for the receipt of applications. You will be notified in writing if your application is unsuccessful.