

Rehabilitation of Offenders Act Q&A

The law about what convictions people need to declare changed in 2015. This information is to help people understand what the situation is now.

Employers/countersignatories

<p>What do I have to do when endorsing an application?</p>	<p>You have to make sure that we are being told about the correct conviction information.</p> <p>There is information available on the Disclosure Scotland website https://www.mygov.scot/convictions-higher-disclosures/</p> <p>And their contact details are:</p> <p>Email: info@disclosurescotland.gsi.gov.uk Phone: 03000 2000 40</p>
<p>Can I rely on the worker's scheme record/PVG Certificate to help me?</p>	<p>If the record/certificate was issued on or after 10 September 2015 it should only contain convictions that we are entitled to know about. If the record/certificate was issued before that date it may contain convictions that we are not entitled to know about.</p>
<p>Does this affect what I can ask people when recruiting them?</p>	<p>Yes, it is likely to mean that you cannot ask people to tell you about all convictions. However we do recommend that you take your own advice about your recruitment process.</p>

Applicants/registered workers

<p>What convictions do I have to tell you about?</p>	<p>It is a complicated process that involves working out:</p> <ul style="list-style-type: none"> • if a conviction is 'spent' • if a conviction is 'protected' • if a conviction does not appear on your PVG certificate/scheme record. <p>You have to tell us about convictions that are NOT spent and you have to tell us about convictions that are NOT protected (unless they do not appear on your PVG certificate/scheme record).</p> <p>You can find help on the Scottish Government website that has replaced the Disclosure Scotland website. https://www.mygov.scot/convictions-higher-disclosures/</p> <p>They also have a telephone number and email address for enquiries.</p>
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	<p>customerliaison@disclosurescotland.gsi.gov.uk Telephone: 0300 020 0040 - Monday to Thursday 8.30am to 5pm and Friday 8.30am to 4.30pm.</p>
What is a spent conviction?	<p>A spent conviction is one that the law says you don't have to tell most people about when applying for jobs etc. (There are situations where you do have to tell people, such as the SSSC about certain spent convictions.)</p>
How do I work out if my conviction is spent?	<p>Some convictions never become spent because of how serious the offence was. Other convictions become spent after a certain period of time. The period of time depends on the sentence that was given and if you receive further convictions.</p> <p>The Scottish Government website at the link above has information and you can see our own information here.</p>
What is a protected conviction?	<p>A protected conviction is one that is 'spent' and also complies with a set of rules which are detailed on the Scottish Government website. You do not need to tell us about protected convictions.</p>
How do I work out if my conviction is protected?	<p>Working out if a conviction is protected is complicated. You have to:</p> <ul style="list-style-type: none"> • know when you were convicted • how old you were at the time • check the conviction against two different lists 'always disclose' and 'rule list' which you can read at this link https://www.mygov.scot/convictions-higher-disclosures on the Scottish Government website • know the sentence you received.
Why wouldn't a conviction be on my PVG certificate /scheme record?	<p>When you get your certificate you have the right to ask that certain convictions listed on there be removed. You do this by making a formal appeal to Disclosure Scotland. You can find out information about this at this link https://www.mygov.scot/convictions-higher-disclosures/</p>
Can't I just tell you about all of my convictions and you can sort it out?	<p>You may not be required by law to tell us about all of your convictions. We recommend that you work out which ones you need to tell us about. However, if you accidentally tell us about a conviction that you didn't have to declare, we will make sure this is not taken into account when we are making decisions about your application.</p>
Can't I just tell you about offences that	<p>If the PVG Certificate/Scheme Record was issued on or after 10 September 2015 then you can just tell us about</p>

<p>are on my Disclosure Certificate / PVG Scheme Record?</p>	<p>any convictions on your certificate as Disclosure Scotland will have made sure only the right convictions are listed. If your PVG Certificate/Scheme Record was issued before 10 September 2015 then it may contain convictions that you do not have to tell us about.</p> <p>If your certificate was issued before 10 September, please use the guidance on the Scottish Government website or our guidance here [link] to work out if you have any convictions that you don't have to tell us about.</p>
<p>Can I ask my employer to help me with this when I get my application endorsed?</p>	<p>It is up to you whether you ask your employer to help you.</p> <p>We expect employers when endorsing an application to check and ensure that we are only being told the information that we are entitled to receive.</p>
<p>I am also asked about whether I have been charged with or investigated for an offence. What do I have to tell you?</p>	<p>If you were investigated/charged and then were convicted for something, don't tell us about the investigation/charges. Only tell us about the conviction, having first looked at the guidance.</p> <p>If you were investigated/charged and were not convicted, only tell us about the investigation/charges if what you were investigated about or charged with was an offence that if you were convicted for you would have to tell us.</p> <p>We know this may be difficult because you will not know what sentence you would have received if you had been convicted. If you are in doubt, just tell us and we will check it when we process your application.</p>
<p>What should I do if I received a conviction in a non-UK country?</p>	<p>Tell us and we will check whether it is something we need to take into account.</p>
<p>I told you about an old conviction when I applied. I'm still waiting to hear about the outcome of my application.</p>	<p>We have reviewed all live applications in the system. We will make sure that we ignore any conviction that you did not have to tell us about under the new law. It may take us longer to process your application as checking whether the conviction is one we should know about is complicated</p>
<p>Your Fitness to Practise Department is looking at my application because of an old offence I declared. What are you doing about</p>	<p>We have reviewed all live applications in the system. We will make sure that we ignore any conviction that you did not have to tell us about under the new law. It may take us longer to process your application as checking whether the conviction is one we should know about is complicated</p>

it and how long will it take?	
I applied for registration a while ago and you made a decision about whether to register me. I told you about old convictions. What will you do with the information?	We are considering the best way to amend old convictions that we have stored on our system. Please be reassured that we won't take any conviction information into account in any decision if it is a conviction you would no longer have to tell us about