

## Guidance Note to Applicants on Disclosing Information about Cautions and Convictions in their Applications

Gower College Swansea is an educational establishment that provides education to children and vulnerable adults. Therefore the College needs to assess your suitability for the position you are applying for and is entitled to ask questions about your criminal record. You are required to disclose certain information concerning your criminal cautions and convictions. You must disclose information about spent and unspent criminal convictions (other than a protected conviction) and spent and unspent cautions (other than a protected caution).

You are not legally required to disclose information concerning protected cautions and convictions. To determine if your caution or conviction is protected and whether or not you need to disclose it in your application, you need to refer to the relevant legislation, including the offences listed in [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(Amendment\) \(England and Wales\) Order 2013](#).

All cautions and convictions for specified serious violent and sexual offences, as well as other offences relating to the safeguarding of children and vulnerable adults will always need to be disclosed. Applicants are strongly encouraged to refer to the extensive list of such offences which is available on the [Disclosure and Barring Service website](#). The list of offences will be kept updated to reflect changes to legislation in the future.

In the event that you are offered employment, any failure to disclose unprotected convictions or cautions could result in disciplinary action which may lead to your dismissal from the College. For this reason, if you are unsure about how the law applies to you, you are encouraged to seek legal advice before making your application.

If you are applying for a post that requires by law a Disclosure and you are successful in being offered such a post, you will be subject to a criminal records check from the Disclosure & Barring Service (DBS) and any appointment will be subject to satisfactory clearance of this check and any other relevant pre-employment checks.

The following questions should be considered to assess whether you are required by law to disclose a conviction or a caution on your application form.

## Section A:

If you have received a caution or a conviction at the age of 18 or over the following questions will determine whether or not you are required to disclose the caution / conviction on your application form.

Questions to assess if you need to disclose a conviction(s):

- Q1. Is the conviction for a listed offence\*?
- Q2. Did you receive a custodial sentence/sentence of service detention?
- Q3. Have you been convicted of any other offence at any time?

If your answer is yes to any of these three questions, you will need to disclose your conviction on your application form.

If you answered 'no' to the above three questions, please answer the following question:

- Q4. Have 11 years or more have passed since the date of the conviction?

If you answer 'no' to Q4 (i.e. less than 11 years have passed since the time of the conviction), you will still need to disclose the conviction on your application.

Questions to assess if you need to disclose a caution(s):

- Q1. Is the caution for a listed offence?

If your answer to question 1 above is yes, you will need to disclose the caution on the application form.

If your answer to question 1 above is 'no' and you were over age 18 at the time of the caution, please answer the following question:

- Q2: Have 6 or more years passed since the time of the caution?

If your answer to question 2 is no and less than 6 years have passed since the time of the caution, you will still need to disclose the caution on the application form.

## Section B:

If you have received a caution or conviction when you were under the age of 18 the following questions will determine whether or not you are required to disclose the caution / conviction on your application form.

Questions to assess if you need to disclose a conviction:

- Q1: Is the conviction for a listed offence?
- Q2: Did you receive a custodial sentence/sentence of service detention?
- Q3: Have you been convicted of any other offence at any time?

If your answer is yes to any of these three questions, you will need to disclose your conviction on your application form.

If you answered 'no' to the above three questions, please answer the following question:

- Q4. Have 5 years and 6 months or more passed since the date of the conviction?

If you answer 'no' to Q4 (i.e. less than 5 years and six months have passed since the time of the conviction), you will still need to disclose the conviction on your application.

Questions to assess if you need to disclose a caution(s):

- Q1: Is the caution for a listed offence\*?

If your answer to question 1 above is 'yes', you will need to disclose your caution.

If your answer to question 1 above is 'no', please answer the following question:

- Q2: Has 2 or more years passed since the time of the caution?

If you answer no to question 2 (i.e. less than 2 years have passed since the time of the caution), you will still need to disclose it on your application form.

## Listed Offences\*

All cautions and convictions for specified serious violent and sexual offences, as well as other offences relating to the safeguarding of children and vulnerable adults will always need to be disclosed. Applicants are strongly encouraged to refer to the extensive list of such offences which is available on the Disclosure and Barring Service website. The list of offences will be kept updated to reflect changes to legislation in the future.