

OFFICER CODE OF CONDUCT – SECTION 16 (CRIMINAL CONVICTIONS/BARRING)

Extract from the Code of Conduct with tracked changes

16.0 CRIMINAL CONVICTIONS/ BARRING

- 16.1 Before you started working for us, you must have told us about any unspent criminal convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations.

If you applied for a role, which involves working with children and vulnerable adults and your job is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 Amendment Order. You must have told us about all convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the 2013 Amendment Order, before you started working for us.

For information on which convictions are protected visit www.gov.uk/dbs and <http://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>

If you do not have internet access or do not understand what this means to you please discuss this with your line manager.

You must tell us about :

- Cautions relating to [specified offences](#) as listed by Government
- Cautions given less than 6 years ago (where individual over 18 at the time of caution)
- Cautions given less than 2 years ago (where individual under 18 at the time of caution)
- Convictions relating to [specified offences](#) as listed by Government
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where individual over 18 at the time of conviction)
- Convictions given less than 5.5 years ago (where individual under 18 at the time of conviction)
- Similar offences committed under the law of Scotland, Northern Ireland or laws relevant to the armed services.

- 16.2 If you are required, under the Act, to provide us with your Disclosure and Barring Service (DBS) Certificate, we will ask you to:-

- Complete a DBS Application Form
- Or give written permission for us to check your status on-line
- Or give permission for us to view your personal file of a previous/other role within the Council to check the outcome from a recent Enhanced DBS check.

You must bring in your DBS Certificate to show and discuss with us, when required

- 16.3 If you have been barred from working with children and/or vulnerable adults and you seek employment to do so, this is a criminal activity and against the law and you will be dismissed without notice and immediately reported to the Police Authority.
- 16.4 If your work involves driving, you must tell your manager about any driving offences, or pending driving offences.
- 16.5 If you use your own vehicle for Council Business and carry passengers, you must also tell your manager about any driving offences or pending driving offences.
- 16.6 When employed by us, you must tell your manager, if you have any criminal proceedings pending against you, if you are bound over, receive a conviction, formal caution, reprimand or warning.
- 16.7 Once employed by us, you must tell your manager immediately, if you know that you are on, or will appear on, one or both of the DBS barred lists.
- 16.8 If you do not tell us about these convictions, formal cautions, warnings, reprimands, binding over or other orders, pending prosecutions or criminal investigations, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.
- 16.9 If you work with young people or vulnerable adults and you believe that you are or might be thought of as a risk to these groups it is extremely important that you seek advice from your manager. If you do not disclose this, this may be treated as possible gross misconduct and might lead to disciplinary action – including the possibility of dismissal without notice.
- 16.10 If you work in a childcare role, as part of early or later years childcare provisions, or are directly involved in the line management of such provision, you must not be disqualified from working in such provision ~~either directly or 'by association'~~. Certain cautions, convictions, care orders may mean that you are automatically disqualified from such work. ~~You may also be disqualified by association if any member of your household has such a caution, conviction or order.~~
- 16.11 You must complete a childcare disqualification declaration in relation to yourself ~~and others, who live and work in your household,~~ and discuss with us when required.
- 16.12 You must tell your manager immediately, if you receive any convictions, cautions or other orders that may lead to your disqualification under the Childcare (Disqualification) Regulations 2009. ~~You must also notify them of any unspent or unprotected convictions, cautions or other orders relating to anyone living or working in your household that would also lead to your disqualification 'by association'.~~