

## Guidance for applicants – Criminal Records

As a national data guardian trusted to handle sensitive information we take security very seriously. As such we comply with the [Government baseline personnel security standards](#) (BPSS) in the pre-employment screening of new recruits.

*This post is not exempt from the Rehabilitation of Offenders Act 1974. We only ask applicants to disclose convictions which are not yet spent / unspent under the Rehabilitation of Offenders Act 1974. We will carry out a Basic Disclosure and Barring Service (DBS) check as part of the pre-employment checking process following an offer of employment to confirm these details.*

We recognise the contribution that ex-offenders can make as employees and welcome applications from them. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

During the application process you will be asked to disclose whether you have any convictions that are not yet spent under the Rehabilitation of Offenders Act 1974. The information that you provide will be processed in accordance with the Data Protection Act 1998 and in the case that you are suitable for employment at NHS Digital will help us to examine your case, on an individual basis and discuss with you, before making a final recruitment decision.

If you have declared any information relating to unspent criminal history, the organisation will consider the following:

- The relevancy of the conviction/offence to the position being applied for.
- The seriousness of the offence(s).
- Your age when you committed the offence(s).
- The length of time since the offence(s) occurred.
- If there is a pattern of offending behaviour.
- The circumstances surrounding the offence(s).
- Any evidence you provide to demonstrate that your circumstances have changed since the offending behaviour.

It is important that applicants understand that failure to disclose (or the provision of false information) in relation to any unspent convictions could result in disciplinary proceedings or dismissal and may constitute fraud, which could result in a criminal investigation.

*If you are not sure whether your convictions are spent or would like further advice and guidance on disclosing a criminal record, please contact [Nacro](#).*