

## Where criminal offences have been declared

The suitability of an applicant with a criminal record may vary, depending on the nature of the job, the type of duties that role will involve and the relevance, nature and circumstances of the offence in question.

Any potential risks that may be identified during the recruitment and checking process will need to be handled sensitively and carefully assessed on a case-by-case basis.

### **Discrepancies in information provided**

The criminal justice system and criminal records disclosure regime can be complex and difficult to understand. Many applicants are confused about what their criminal record is and what they are required to disclose for employment purposes, so can genuinely make the mistake of incorrectly disclosing information or omitting relevant information. Employers should not automatically assume that an error in disclosure is intended to deceive. Discussions about discrepancies between information provided by the applicant and that declared as part of a DBS check, should be approached sensitively. Wherever possible, we recommend this includes a face to face meeting with the applicant, giving them opportunity to explain.

Where serious misdirection is evident, employers may reconsider their appointment offer and/or take any necessary formal action against the individual if already

employed or volunteering within the organisation.

If the applicant has tried to apply for/or is engaged in a regulated activity in which they are barred from working or volunteering, employers should consider whether they need to notify any relevant professional regulatory or licensing body, as well as making a referral to the Disclosure and Barring Service (DBS).

Further information about the employer's duty to make a referral to the DBS can be found in the criminal record check standard.

### **Military and ex-military personnel**

Some criminal convictions and cautions that apply under military service law may not be considered as such under civilian law. Employers will therefore need to ensure that they treat information that may be declared in a self-disclosure by military or ex-military personnel in an appropriate and proportionate manner. Further guidance about handling and considering military offences can be found in the criminal record check standard.