

Criminal Convictions (July 2020)

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Note: The information below is subject to change. As such please use it as a guideline only and consult the organisations & government departments referred to, to verify that the information is the most up-to-date.

Having a criminal record

Having a criminal record doesn't have to be a barrier to finding fulfilling employment. Procedures need to be taken into account, but there are recruiters out there who will be positive about your situation.

Many people, including students and graduates, have a criminal record from a lifestyle long since left behind.

When it comes to looking for work and applying for jobs you must think about:

- who needs to know
- what you should tell them
- how to present yourself in a positive light.

Consider the employer's point of view and anticipate their concerns, focusing on your achievements and what you have to offer the organisation and how you meet the requirements of their specific role.

Use the resources here to help you make that all important step into the next stage of your career.

Where to find advice and support

- If you're a student, head to the Career Development Centre to talk to someone in confidence about how to plan your job search strategy, prepare for interviews, and network effectively.
- If you are looking for employment and are currently working with the probation service, they may have a specialist employment advisor who can support you on an ongoing basis with choosing and finding employment, and who may also have good links with vocational training and employers in your area. Contact the probation service for exact details of the service provided by any employment advisor.
- Irish Association for the Social Integration of Offenders: <http://www.iasio.ie>

Marketing yourself and disclosing your criminal record

(Adapted from targetjobs.co.uk)

Knowing whether or not you're required to disclose details of your criminal record is vital.

- You don't have to disclose until asked. Some organisations only ask successful candidates, not all applicants, about their criminal record.
- If you have to disclose it may protect you against dismissal later on should your background become known. It may also develop trust and understanding for yourself and the employer, and relieve any stress associated with the fear of being found out.

Disclosure on application forms and CVs

Focus the employer's mind on your ability to do the job and don't allow your criminal record to dominate your application.

- If asked about a criminal record, you could insert 'see covering letter' so you can set out the circumstances in a reassuring way. Keep it brief and focus on your achievements since the conviction. Mention only the type of conviction, the date and the sentence given. Try to highlight the circumstances that lead to offence which no longer apply. Don't criticise the criminal justice system and accept responsibility for your actions. Show regret.
- When talking about your offence, stress that it's in the past, that you've moved on, taking on family or voluntary work responsibilities, or that the offence is irrelevant to the job. While it is appropriate to briefly state the nature of the conviction, focusing more on all the positive things you have done since can help an employer understand and believe that you have moved on and are unlikely to offend again.
- Sometimes explaining the circumstances can minimise the seriousness of a criminal act – somebody who lashes out in self-defence is less to blame than somebody who intends to cause injury. However, you need to make sure that it

doesn't sound like you're making excuses because employers look for graduates who take responsibility for themselves and their work.

Disclosure at interview

- **If the employer is aware of your criminal record before the interview** treat it as a positive sign that they're prepared to look at the qualities you bring to the role in spite of your past offending. Be prepared to talk about your offence if you're asked to, but also be aware that the employer may wish to postpone discussion of disclosure information until an appointment has been made.
- **If the employer is not aware of your record before the interview** you'll need to decide whether or not, and how, to disclose. Start the interview on a positive note and avoid presenting the interviewer with an unexpected problem. Consider advising them beforehand that there's something of a personal nature you'd like to discuss towards the end. Alternatively, leave the interviewer with a brief letter which sets out the circumstances of your offence, while stressing your ability to do the job.

Your rights as an ex-offender

As you might expect, the law's complicated on this matter. Here's a brief overview with handy links to more detailed information.

Under the [Criminal Justice \(Spent Convictions and Certain Disclosures\) Act 2016](#), which came into effect on 29 April 2016, a range of minor offences become spent after 7 years. This means that an adult convicted of an offence covered by the Act does not have to disclose the conviction after 7 years, except in certain circumstances. **However**, the Act does not apply to any conviction for a sexual offence or an offence which was tried in the Central Criminal Court.

In general, you are not required to disclose a spent conviction when looking for employment. However, you have to disclose any spent convictions if you are applying to work for certain bodies, such as, the Garda Síochána, the Courts Service and some government departments. The list of bodies is given in [Schedule 2 of the Act](#).

The non-disclosure regime under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 does not apply to employment relating to children or vulnerable adults. Such applicants must be Garda vetted and [Garda vetting](#) has its own non-disclosure regime.

There are different rules if you were under 18 when you committed the offence for which you received a conviction. So long as you meet certain conditions, your conviction can be completely removed from your record. For your conviction to be removed, all of the following must be true:

- Your case wasn't tried by the Central Criminal Court
- It has been at least three years since the day you were found guilty
- You haven't committed any other offences since then.

For More Information See: [Irish Penal Reform Trust](#)
<http://www.iprt.ie/spent-convictions>