IBA: Criminal Convictions Guide

Compliance 20/03/2026



GENISTAR
Financial Freedom For All

Criminal Convictions – Guide

1.0 Purpose

This guidance explains how Genistar assesses criminal convictions disclosed or identified during the IBA process.

It ensures:

- Consistent and fair decision-making
- Protection against reputational or consumer harm
- Compliance with FCA Fit & Proper requirements
- Clear audit trails for all decisions

If a situation is unclear, escalate to Compliance for review.

2.0 What Applicants Must Disclose

Applicants must fully disclose all current and historic criminal matters, including:

- Any convictions (spent or unspent)
- Cautions, reprimands, final warnings
- Pending investigations or arrests
- Any offence involving dishonesty, violence, harm, or financial misconduct

3.0 Why Genistar Checks Criminal Convictions

Genistar conducts these checks to:

- Protect the company and its agents from reputational risk
- Ensure individuals do not pose a risk to the public
- Identify offences linked to dishonesty, violence, or financial services, such as:
    - Fraud, theft, false accounting, money laundering
    - Offences related to banking, insurance, credit unions, or financial companies
    - Consumer credit or insolvency offences
    - Market manipulation or insider dealing

4.0 Key Definitions

- **Unspent Conviction**

An unspent conviction is a criminal offence that is still legally on a person's record and must always be declared.

Genistar requires **disclosure of all unspent convictions**, regardless of age or severity.

- **Spent Conviction**

A spent conviction is an older conviction that has passed its rehabilitation period under the Rehabilitation of Offenders Act 1974.

In most jobs, spent convictions do not need to be declared — **but Genistar is exempt** from this rule due to work involving vulnerable people.

This means applicants **must declare spent convictions** during the IBA process.

5.0 Table of Outcomes for Conviction Types

Type	Description	Genistar Outcome
Crimes of Violence		
ABH	Less than 5 years from date of conviction	Reject
	More than 5 years from date of conviction	Considered – case by case
GBH	Less than 10 years from date of conviction	Reject
	More than 10 years from date of conviction	Considered – case by case
Common Assault	Less than 5 years from date of conviction	Reject
	More than 5 years from date of conviction	Considered – case by case
Crimes of Stealing		
Theft/Robbery/Burglary	Less than 5 years from date of conviction	Reject
	More than 10 years from date of conviction	Considered – case by case
	Considerations: 1. What was stolen? 2. Amount of the theft? 3. Age at incident, extenuating circumstances 4. Petty theft at a young age with letters of reference	

Crimes relating to Finance		
Fraud/Embezzlement/ Financial Crimes		Reject
Crimes relating to harm		
Paedophile, Murder, Rape etc		Reject
Other Crimes		
License removed by regulator		Reject
Reputational harm		Reject
Crimes relating to Drink and Drugs		
Drunk and Disorderly	Although not a criminal offence in itself, repeat offending will be taken into consideration.	If repeat offending - Reject
Cannabis/other class B drugs (Personal Use)		Considered – case by case
Class A drugs (Personal Use)		Considered – case by case
Drug Dealer Class A/B	Less than 10 years out of prison	Reject
Drug Dealer Class A/B	More than 10 years out of prison	Considered – case by case
Drink Driving		Considered – case by case
	<u>Considerations:</u> Drink-driving offences can vary a lot in severity. Someone might be only slightly over the legal limit (35mg) or several times over it (e.g., 140mg). To assess the case properly, Compliance will request extra information such as: • Details of any fines, and • Any driving bans issued. Each case is reviewed individually. However, **repeat offences** usually show ongoing irresponsible behaviour and are more likely to lead to rejection.	

6.0 Criminal Convictions & Acceptance Process

1. If there are any doubts about accepting a recruit:
Compliance can be asked for guidance **before** submitting the application or completing the IBA.

2. If the applicant answers YES to "Convicted of a Criminal Offence":
Field Support Centre may **reset the application** and request supporting documents, such as a **DBS certificate**.

3. Reviewing applicants with a criminal history:
Each case is reviewed individually. The applicant must show clear evidence that their lifestyle has changed.

4. Required evidence of a changed lifestyle:
The applicant must provide:

A. **Three professional reference letters**
   - Must not be from Genistar Representatives or family members.

B. **A statement from their Executive Vice President (EVP)**
   - Confirming the EVP has personally interviewed the applicant.
   - Confirming the EVP is willing to supervise and monitor them.

C. **Court documentation**
   - Showing the charges and conviction details.

D. **(If required) A telephone interview with Compliance**
   - This may be requested depending on the case.

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