

Criminal convictions: What must you disclose and when?

You may have a conviction if you have admitted to or been found guilty of a crime. This factsheet looks at what a criminal conviction is, what a criminal record is, and when and how to tell others. This factsheet is for people who are 18 and over, are affected by mental illness in England and have a criminal conviction. It is also for their carers, friends, relatives, and anyone interested in the subject.

Key points:

- You may have a conviction if you have pleaded guilty to or been found guilty of a crime.
- A criminal record has information about your contact with the police.
- Employers, insurance companies and visa applications for going abroad sometimes ask about previous convictions.
- You might not need to tell people about everything that is on your criminal record.
- If you have a conviction, you may only have to tell someone about it for a certain amount of time. After this time, the conviction becomes known as 'spent'.
- If you do not tell an employer about convictions when you should, they might take action. They might later dismiss you or start legal proceedings.

This factsheet covers:

1. [What is a criminal record?](#)
2. [What is a conviction?](#)
3. [When does a conviction become 'spent'?](#)
4. [What is disclosure and why is it important?](#)
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1. What is a criminal record?

A criminal record contains information about contact you have had with the criminal justice system. This includes:

- the police,
- the courts, and
- prisons.

A criminal record can include:

- details of any offence you have admitted doing, and
- any offence you have been found guilty of.

The information is held on the Police National Computer (PNC).¹ Each local police force may keep records on their own system.

These records can contain non-conviction information.² This might involve your mental health.

This information is protected by the General Data Protection Regulations (GDPR). The Regulations state how personal information is stored and used. For example, information should be factually correct and should only be used for the reason it was collected.

You can read more about GDPR regulations here: ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles

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2. What is a conviction?

You may have a conviction if you have:

- pleaded guilty to a criminal offence, or
- been found guilty of an offence.

The following are not criminal convictions:³

- fixed penalty notices like speed camera fines, littering, petty shoplifting, and
- penalty notices for disorder.

But they will be on your criminal record on police computers.

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3. When does a conviction become 'spent'?

The Rehabilitation of Offenders Act 1974 says some criminal convictions become 'spent'.⁴

'Spent' means they are ignored after a certain amount of time. This time period is known as the rehabilitation period.⁵

The rehabilitation period will depend on:⁶

- the sentence given, not the offence, and
- how old you were when you were convicted of the offence.

After the rehabilitation period you no longer need to mention your convictions. Even if someone asks you.⁷ But there are some exceptions which are in [section 4](#) below.

Prison sentences and community orders have 'buffer periods.' This means the time it takes for the sentence to be spent starts from when your sentence ends.⁸ See the [grid below](#) for more information.

Other convictions and penalties don't have 'buffer periods.' This means the time it takes for the sentence to be spent starts from the date you are convicted. See the [grid below](#) for more information.

The table below shows how long it takes for most sentences, orders or warnings to become 'spent'.

Sentence, order, or warning	Becomes spent
Absolute discharge	Instantly. ⁹
Attendance centre order	At the end of the order ¹⁰ .
Caution, conditional and youth conditional	After 3 months or when the caution ends, whichever is earlier. ¹¹
Caution, simple or youth Note: Youth cautions replaced reprimands and final warnings	Instantly. ¹²
Community order or youth rehabilitation order	At the end of the order. ¹³
Compensation order	When paid in full. ¹⁴
Conditional discharge order	At the end of the order. ¹⁵
Confiscation order	When order ceases to have effect ¹⁶ .

Driving disqualification	When order ceases to have effect. ¹⁷
Driving endorsements - for a road traffic offence	5 years from the date of conviction. ¹⁸
Fine	1 year from the date of conviction. ¹⁹
Forfeiture order	When order ceases to have effect ²⁰ .
Prison sentence of 1 year or less	1 year after the end of the sentence, including any licence period. ²¹
Prison sentence between 1 and 4 years	4 years after the end of the sentence, including any licence period. ²²
Prison sentence of 4 years or more. Excluding serious violent, sexual, or terrorist offences	7 years after the end of the sentence, including any licence period. ²³
Public protection sentence	Never spent. ²⁴
Relevant order. For example, conditional discharge order, restraining order, hospital order (including forensic sections of the Mental Health Act), bind over, referral order, care order and criminal behaviour order (formerly ASBOs)	When order ceases to have effect Note: If it has no specified end date it is spent 2 years from the date of conviction or from the time the order is created. ²⁵
Suspended sentence	The rehabilitation period is based on the length of the prison sentence, not the length it was suspended for. See when different length prison sentences become spent further above this table. ²⁶

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4. What is disclosure and why is it important?

Disclosure means telling someone something about yourself. Like that you have a conviction.

There are times when you may have to disclose a conviction, such as:²⁷

- applying for work,
- getting insurance, and
- applying for housing.

It can be difficult telling someone about your convictions. This might be harder if you have lots of convictions and have a mental illness.

If you have a criminal record, some employers:

- may not employ you, maybe because of the type of work they do, or
- might treat you unfairly.

But some employers might be happy to employ you.

What can I do if I have been treated unfairly?

You might think you have been treated unfairly by an employer because of a criminal conviction.

If this happens, you can get advice from the organisation **Unlock**. Their details are in the [Useful contacts](#) section at the end of this factsheet.

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5. When do I have to disclose criminal convictions?

You must disclose if:²⁸

- you are asked if you have any convictions, and
- you have 'unspent' convictions.

But you will not always have to disclose your convictions.

You do not have to disclose if:²⁹

- you are not asked about previous convictions, or
- you have 'spent' convictions. But there are some exceptions which mean you must disclose 'spent' convictions for some jobs. See [below](#).

See [section 2](#) of this factsheet for more information on when convictions become spent.

When do I have to disclose spent convictions?

You must disclose 'spent' convictions if you are applying for a job in one of the following areas.³⁰

- Working with children or vulnerable adults
- Healthcare
- National security

- The law
- HM Courts and Tribunals Service and the Judicial Office
- Employment in law enforcement
- Offices responsible for the enforcement of warrants and writs
- The financial sector

This is because these jobs are not covered by the Rehabilitation of Offenders Act 1974.

When do I disclose to an employer?

You might be asked about your convictions:

- on an application form,
- in an interview, or
- after you have been offered a job.

When applying for work you will probably need to do a written application and have an interview.

Should I disclose on an application form?

You might be asked about criminal convictions on an application form.

If the application asks about previous convictions, it might be best to say:

- 'Yes – please see the covering letter', or
- 'Yes – I am happy to discuss at interview'.

By including a covering letter, you can explain the situation. For example:

- the circumstances that led to the conviction,
- details of the offence,
- if your mental health and being unwell played a part,
- what you have done in your life since, if appropriate, and
- anything else relevant you want to tell the employer.

There are rules on what an employer can ask about your health. An employer should not ask general health questions on application forms.

You can find more information about **Work, volunteering, and mental illness** at www.rethink.org. Or call us on 0121 522 7007 and ask us to send you a copy.

Should I disclose during an interview?

You could talk about your conviction during an interview.

This could help as:

- it might be easier to explain about the conviction and your situation, and
- your employer can ask you questions about it.

But you might find it difficult disclosing in person.

You could write a letter and either read this out or hand it to the interviewer or interviewers.

Do I disclose if I am offered the job?

You might think there is no point in telling an employer about previous convictions until they have offered you a job. They will probably ask you about any previous convictions before this point.

But the employer might ask you about your convictions for the first time when they are offering you a job.

It is important to think about how to tell the employer without risking them withdrawing the offer. You can explain things like:

- the circumstances that led to the conviction,
- details of the offence,
- if your mental health and being unwell played a part,
- what you have done in your life since, if appropriate, and
- anything else relevant you want to tell the employer.

What might happen if I do not disclose?

If you do not disclose convictions to an employer and they find out later, the following things could happen.

- They could dismiss you for lying.³¹
- You could face other disciplinary proceedings.
- You could face another criminal conviction.³²
- If you do not get a good reference, it could make it harder to get a new job.
- If you lose your job for this reason, it may affect your entitlement to benefits.

It is probably best to be open and honest about your history from the start. It can help make the right impression with the employer.

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6. How do I disclose my convictions?

You can think about telling the employer that having a conviction does not mean that you are:

- risky,
- unreliable, or
- unsuitable for the job.

It is important to focus on the positives, such as your skills and abilities. And remind the employer that your crimes are in the past.

You might want to try the following.

- You can point out if the offence was related to certain circumstances. You might have been very ill at the time. But maybe you have been on a recovery journey and are now in a much better situation.
- Focus on how things have changed. You might have been young when convicted. You have since grown up and now have responsibilities.
- Speak generally. Do not go into detail about the offence. If you have more than one conviction, you could group them together. For example, 'I have 4 offences that are all theft-related'.
- Mention anything you have achieved since your conviction. Perhaps you have started a family, got some qualifications or got some help for your mental health.
- The conviction might not be relevant to the job. Ask the employer to consider you for your ability and not your past.
- Tell the employer if you have been in education or offending behaviour programmes.

If you have spent time in prison, you could tell the employer the following.

- How you have made the most of your time.
- If you got some help for your mental health.
- Say you have decided to find employment rather than returning to crime.
- You have a character reference to show an employer that you are right for the job. You could get this from a professional such as a probation officer or healthcare staff.

It is important to remember that if you are not offered a job, it might not be because of your convictions. So, do not give up trying!

Most employers will give you feedback if you were not successful at interview. You can ask for feedback. You can use it to think about how to do better at your next interview.

Research shows that many organisations:³³

- have positive experiences of employing ex-offenders, and
- actively try to employ them.

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7. What is a DBS check?

A DBS check is when an employer checks the criminal record of someone applying for a job. DBS stands for Disclosure and Barring Service. They are the service who arrange the check.³⁴

Employers can ask for a DBS check if you are applying for a job that would involve a 'regulated activity'.

'Regulated activity' means certain types of work with vulnerable groups, such as children or the elderly.^{35,36}

But they can ask for DBS checks for jobs that do not include regulated activity too.³⁷

You can find more information about **What is a criminal record check? DBS checks and mental health** at www.rethink.org. Or call us on 0121 522 7007 and ask us to send you a copy.

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8. Will criminal convictions affect my insurance?

You might be asked about previous convictions when applying for insurance.

You must disclose criminal convictions which are 'unspent' if you are asked about them.

If you have 'unspent' convictions it might affect your insurance.

If you do not disclose 'unspent' convictions there might be issues later, like insurers refusing to pay out on a claim.

The organisation **Unlock** have the following useful information on their website:

- **Insurance and convictions - A detailed guide:** unlock.org.uk/advice/insurance-convictions-detailed-guide

Unlock have a list of insurance brokers who specialise in insurance for people with 'unspent' convictions. Their contact details are in **Useful contacts** section at the end of this factsheet.

You might complain about an insurance company but still be unhappy at the end of their complaints process. If you are, you can contact the Financial Ombudsman Service. Their contact details are in the **Useful contacts** section at the end of this factsheet.

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9. Will criminal convictions affect me going abroad?³⁸

Having a criminal record does not stop you from travelling abroad. Your passport is not linked to your criminal record.

But the Rehabilitation of Offenders Act only covers England and Wales. It does not apply in other countries. This means in other countries your convictions are not seen as 'spent'.

Some countries have entry restrictions, like the USA and Australia. You may need to apply for a visa to go there. Countries have different entry requirements. So, it is best to check with their Embassy.

The organisation **Unlock** has information on their website about travelling abroad if you have a criminal conviction: unlock.org.uk/guide/travelling-abroad.

What if I am currently under licence conditions?³⁹

You may have been released from prison and are currently on license. You will need to speak to your offender manager at probation to get permission to travel.

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Useful Contacts

Financial Ombudsman Service

They can look at complaints about most financial issues, such as insurance, banking, and mortgages.

Phone: 0800 023 4567

Calls using Relay UK: (18002) 020 7964 1000

Email: complaint.info@financial-ombudsman.org.uk

Website: www.financial-ombudsman.org.uk

Foreign, Commonwealth and Development Office

They have information on travel and living abroad.

Phone: 020 7008 5000

Address: King Charles Street London SW1A 2AH

Email: fcdo.correspondence@fcdo.gov.uk

Website: www.gov.uk/government/organisations/foreign-commonwealth-development-office

Nacro

A charity that supports and advocates for people with criminal records to be able to move on positively in their lives. Contact details for their Criminal Record Support Service are below.

Helpline: 0300 123 1999

Address: Walkden House, 16-17 Devonshire Square, London, EC2M 4SQ

Email: helpline@nacro.org.uk

Website: www.nacro.org.uk

Unlock

This is an independent charity and membership organisation, led by reformed offenders. Their website has lots of information for ex-offenders.

Phone: 01634 247350

Address: The Helpline, Unlock, Maidstone Community Support Centre, 39-48 Marsham Street, Maidstone, Kent, ME14 1HH

Email: (online contact form) unlock.beaconforms.com/form/10fc52c8 or unlock.beaconforms.com/form/925f52b3 for carers

Text or WhatsApp: 07824 113848

Website: www.unlock.org.uk

Further reading

You can find more information about:

- What is a criminal record check? DBS checks and mental health
- Prison release information
- Work, volunteering and mental illness

at www.rethink.org. Or call us on 0121 522 7007 and ask us to send you a copy.

Did this help?

We would love to know if this information helped you or if you found any issues with this page. You can email us at feedback@rethink.org.

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Monday to Friday 9:30am – 4pm
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Or write to us at:

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Patient Information Forum

