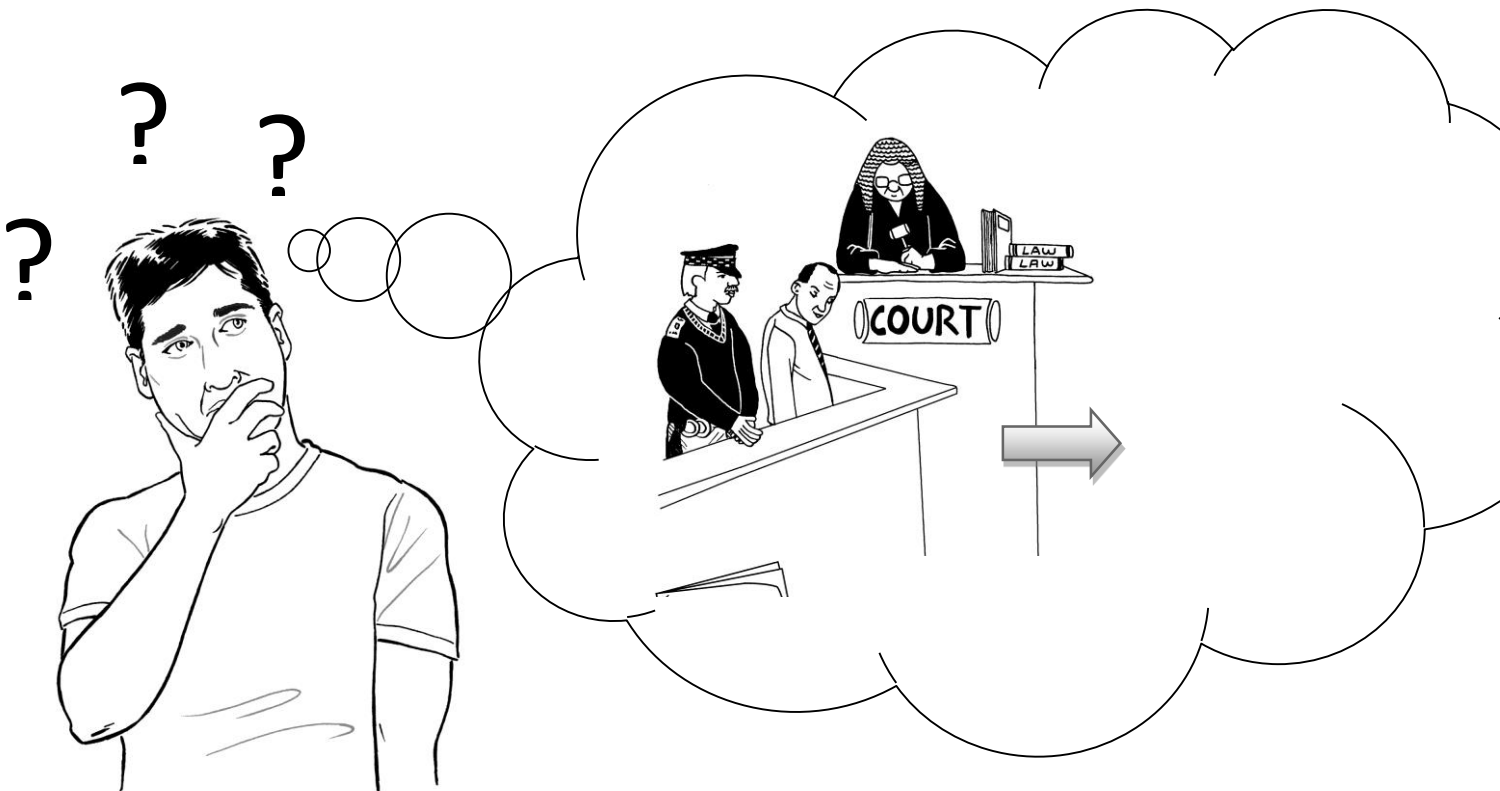


***“When do I need to tell employers
about my criminal record?”***

**Information about how long you have to reveal
your criminal convictions for**

Easy Read version – April 2014





This leaflet has information about how long you have to tell people about your criminal convictions or cautions.

For example, when you apply for a new job or apply for different types of services, like insurance.

Extra help and advice

If you need extra help to understand the information in the leaflet you can contact the charity Unlock.



You can get free advice from the **Unlock Helpline**

01634 247350

They can talk to you in private.

They can give you advice on how to deal with problems you have that are to do with having a criminal conviction.



You can also get helpful information online at:

hub.unlock.org.uk



If you want to write to Unlock you can contact them:

By email - advice@unlock.org.uk



By post -
Helpline, Unlock,
Maidstone Community Support Centre,
39-48 Marsham Street,
Maidstone, Kent, ME14 1HH

A summary



The Rehabilitation of Offenders Act (1974) has been changed.

Now many people have less time to wait to be able to say they do not have a criminal conviction or a caution.



This is helpful when people apply for a new job or apply to use different types of services.

For example, applying to have home insurance.



Application forms may ask if you have a criminal conviction.

If you do but it has become '**spent**' then in most cases you do not have to mention it.

This can make it easier to get a job or a service.

A '**spent**' criminal conviction



The word '**spent**' is used when you no longer need to tell people about your criminal conviction.

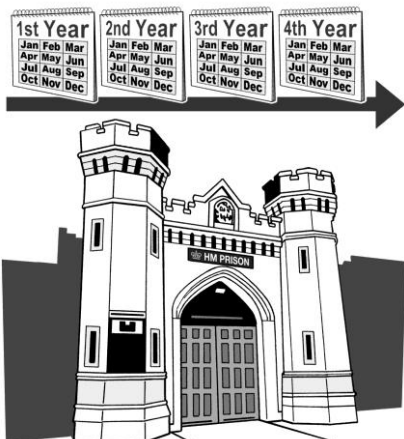
This is because enough time has passed since it happened.

If someone asks you if you have a criminal conviction you can normally say '**No**' if your conviction is spent.



Your conviction will always be kept on records that the police and criminal justice system have.

But, if someone like an employer does a '**basic criminal record**' check on you they will not find out about your **spent** convictions.



If you have had a sentence that was longer than 4 years in prison, or was a 'public protection sentence', then this does not apply to you.

Your conviction will never become 'spent.'

An 'unspent' criminal conviction



The word 'unspent' is used when someone must admit to having a criminal conviction if they are asked.

It means not enough time has passed for the criminal conviction to become 'spent'.

How to work out if your convictions are spent



There is information in this leaflet to help you work out how long your conviction will stay unspent.

The information is on the next page.



This can be confusing for some people.

It can be more confusing if you have more than one conviction.



Unlock
for people with convictions

If you do not understand how to work this out then there are organisations that can help you. For example, the charity 'Unlock'.

Unlock's contact details are at the front of this leaflet.



If you are on probation you can ask your Offender Manager to help you.

If you are unemployed, you can ask for help at the Job Centre.



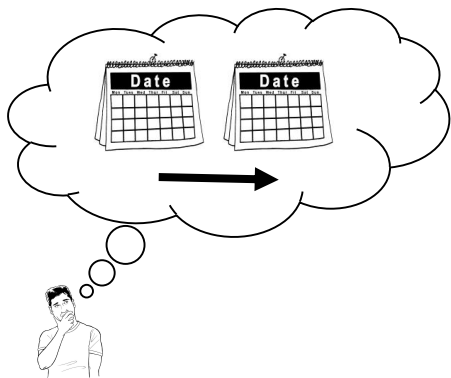
There is also help on the internet.

You can use a special calculator which will work out how long it will be before your conviction is spent.



The website for this is: www.disclosurecalculator.org.uk

Information about how long it is until a conviction becomes spent



The next pages explain how to work out the time it takes for a conviction to become spent.

This is called the **'Rehabilitation Period'**.

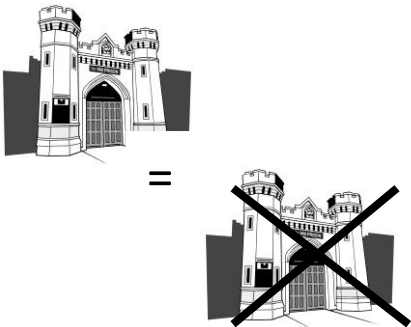


It will last for the same length of time as the sentence the court gave you plus some extra time added on.

The extra time is worked out by how long your sentence was.



The table on the next page shows how this is worked out.



Prison sentences and suspended prison sentences are treated in the same way when you are working out your Rehabilitation Period.



If you get another conviction before the first becomes spent, this will change when your convictions become spent.

Information about this is included later on in this leaflet.

Some people received a sentence many years ago that no longer exists.

These people can find information about their rehabilitation period in an e-guide by Unlock.

Unlock's contact details are at the start of this leaflet.



Unlock
for people with convictions

Information for people who were convicted when they were 18-years old or older.

If you have a sentence that was longer than 4 years or if you had a public protection sentence...	Your conviction will never become spent.
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For example, if you had a sentence of 5 years your conviction will never become spent.

If you have a sentence that was longer than 30 months but was less than (or equal to) 4 years...	Your conviction will become spent after a period of time that is the length of your sentence PLUS 7 years
--	--

For example, if you had a sentence of 3 years your conviction will become spent after 10 years.

If you have a sentence that was longer than 6 months but less than (or equal to) 30 months...	Your conviction will become spent after a period of time that is the length of your sentence PLUS 4 years
---	--

For example, if you had a sentence of 2 years your conviction will become spent after 6 years.

If you have a sentence that was less than (or equal to) 6 months...	Your conviction will become spent after a period of time that is the length of your sentence PLUS 2 years
---	--

For example, if you had a sentence of 4 months your conviction will become spent after 2 years and 4 months.

If you have a Community Order or a Youth Rehabilitation Order...	Your conviction will become spent after a period of time that is the length of the order the court gave you PLUS 1 year
--	--

For example, if you had a community order that lasted 12 months your conviction will become spent 2 years after the order was given.

Information for people who were convicted when they were under 18 years old.

If you have a prison sentence that was longer than 4 years or if you had a public protection sentence...	Your conviction will never become spent.
--	---

For example, if you had a sentence of 5 years your conviction will never become spent.

If you have a prison sentence that was longer than 30 months but was less than (or equal to) 4 years...	Your conviction will become spent after a period of time that is the length of your sentence PLUS 3 years and 6 months.
---	--

For example, if you had a sentence of 3 years your conviction will become spent after 6 ½ years.

If you have a prison sentence that was longer than 6 months but less than (or equal to) 30 months...	Your conviction will become spent after a period of time that is the length of your sentence PLUS 2 years
--	--

For example, if you had a sentence of 2 years your conviction will become spent after 4 years.

If you have a prison sentence that was less than (or equal to) 6 months...	Your conviction will become spent after a period of time that is the length of your sentence PLUS 18 months
--	--

For example, if you had a sentence of 4 months your conviction will become spent after 22 months (1 year and 10 months).

If you have a Community Order or a Youth Rehabilitation Order...	Your conviction will become spent after a period of time that is the length of your order issued by the court PLUS 6 months
--	--

For example, if you had a community order that lasted 18 months your conviction will become spent 2 years after the order was given.

The Rehabilitation Periods for the sentences listed below **start from the date of your actual conviction**.

This information only applies when someone has only 1 unspent conviction. It applies to people of **all ages**.

The type of sentence or disposal	The time it takes for the conviction to become spent
Fine	1 year for people 18 years old or older. 6 months for people under 18 years old.
Conditional discharge	The length of the order
Absolute discharge	This becomes spent immediately
Conditional caution or a Conditional youth caution	3 months (or as an adult, when it ends, if earlier)
Simple caution or a Youth caution	This becomes spent immediately
Motoring endorsements imposed by a court	5 years
Motoring penalty points imposed by a court	3 years
Motoring disqualification imposed by a court	At the end of the disqualification
Compensation order	When the full amount is paid
Supervision order	The length of the order
Binding over order	
Attendance centre order	
Hospital order	
Referral order	
Reparation order	This becomes spent immediately



What this means when you apply for a job

Sometimes when you apply for a job the employer might ask if you have any criminal convictions.

For most types of jobs you can answer 'No' if your convictions are already spent.



If your conviction is unspent you must tell them if they ask.

If you do not tell them, you are breaking the law.

For some jobs, you might also have to tell them about your spent convictions.



These are usually jobs working with children or in jobs where people need to trust you (e.g. a security guard).

You will normally have to do a 'standard' or an 'enhanced' criminal records check. You must make sure you mention *all* your convictions in this type of job application.

Sometimes people do not have to do this. This can only happen when that person has only one conviction and it did not involve a prison sentence.

You can find out more information about this from Unlock.



You can check what right the employer has to know about your 'spent' convictions before you answer them.

If they have what is called the 'basic disclosure' right to information, then you do not have to tell them about your spent convictions.

What this means when you apply for insurance



If your criminal conviction is spent you do not have to mention it when you apply for insurance.

If they ask about convictions, you only have to disclose any that unspent.



They might ask you to tell them about *all* your convictions over the last few years.

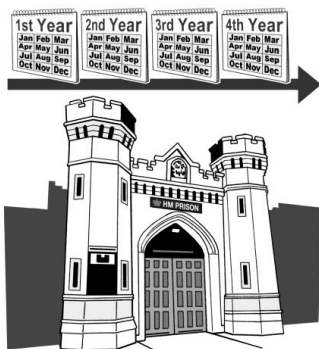
You still do not need to mention the ones that are spent.

Information for people with a second conviction



If you already have one unspent conviction and you get a new one then both of these will stay as unspent until the longest of them becomes spent.

This means you would have two different unspent convictions you would have to tell people about.

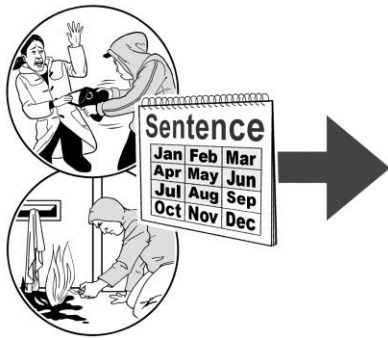


If the new conviction leads to a prison sentence that is longer than 4 years then both convictions will stay unspent forever.

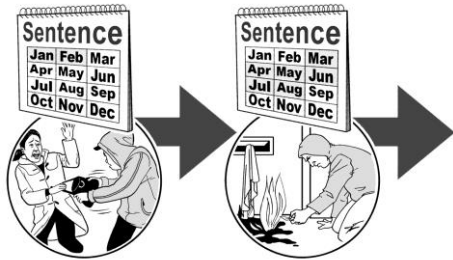


Some people get more than one sentence at the same time for different crimes.

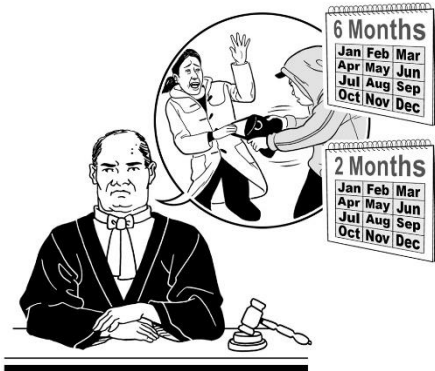
The Rehabilitation Period for these convictions to become spent depends on how the sentences are to be served.



If the sentences are to run **concurrently** (at the same time) they are counted from the same start date.



If the sentences are to run **consecutively** (where you serve one, followed by the next one) the amount of time is added together.



Sometimes you may get more than one sentence for the same conviction. For example, a fine and a 12 month community order.

If this happens your Rehabilitation Period is the one for the sentence with the longest Rehabilitation Period.

Getting a copy of your unspent convictions



You can get a list of your unspent convictions by applying for a 'Basic Disclosure.'

You can get this from Disclosure Scotland. It will cost £25.

Visit www.disclosurescotland.co.uk or call 0870 6096006 for more information



You can also apply for a 'Subject Access Request' form from your local police force.

It will cost £10.

This will give you all the information the police have about you. This includes your unspent convictions.

About this leaflet

This leaflet has been produced by Unlock's Helpline with help from KeyRing Living Support Networks and the Working for Justice group.

Unlock's Helpline provides confidential peer advice on overcoming the effects of criminal convictions.

The Working for Justice group is run by KeyRing Living Support Networks and the Prison Reform Trust. Members have learning disabilities and have been in the criminal justice system as suspects, defendants and offenders.

The Unlock Helpline has also produced a brief guide, a poster and a more detailed 'e-guide' on this topic.

All materials can be downloaded for free from the '*Downloads*' section at the website: hub.unlock.org.uk

Please contact Unlock if you would like hard-copies of the documents or poster.

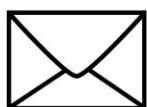
You can contact Unlock by phone, email or post:



01634 247350



advice@unlock.org.uk



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