

When & how to disclose to employers

- This is part of our information on disclosing your criminal record to employers when applying for jobs.
- This is particularly important if:
 - Your criminal record is 'unspent' and you're applying for any type of job, or;
 - Your criminal record is 'spent' and you're applying for a job that involves a standard or enhanced criminal record check.
- Find out more about disclosing by visiting <https://unlock.org.uk/guide/disclosing-to-employers/>

Before you start disclosing

Before looking at when and how to disclose, there are a few other things to consider:

1. Understand your criminal record

It's important that you understand your criminal record. Although convictions and cautions stay on the Police National Computer until you reach 100 years old (they are not deleted before then), they don't always have to be disclosed. Many people don't know the details of their record and it's important to get this right before disclosing to employers. Usually, this means applying for a copy of your police record (it is free of charge and is known as a 'Subject Access Request'). Visit <https://unlock.org.uk/advice/police-records/>

2. Work out if or when your record becomes 'spent'

For most jobs you don't need to disclose your criminal record once it's 'spent'. This is because of the Rehabilitation of Offenders Act 1974. Most convictions will become spent at some point. We have a tool that can help work this out (<https://unlock.org.uk/disclosure-calculator/>) or visit <https://unlock.org.uk/advice/detailedguideroa/> for guidance. Some jobs involve standard or enhanced DBS checks. For these, you'll normally need to disclose spent convictions and cautions as well, unless they are now filtered by the DBS. Visit <https://unlock.org.uk/advice/filtering-cautions-convictions/>.

3. If they ask, know if you need to tell them Ways of finding out about your criminal record

You only have to disclose your record to an employer if they ask you. Many employers ask at some point and if your convictions are unspent, you legally need to disclose them. If they ask you and you don't disclose, they could later revoke the job offer or you could be dismissed. You could even face a further conviction. Visit <https://unlock.org.uk/guide/disclosing-to-employers/>.

There are 3 main levels of criminal record check and which one is done by the employer depends on the job role. Make sure you know what level of check an employer is doing and only disclose what you legally need to. Spent convictions are not disclosed on basic checks. Filtered cautions/convictions are not disclosed on standard or enhanced checks. Visit <https://unlock.org.uk/guide/criminal-record-checks-for-employment/>.

When to disclose?

Work with the employer's process – “Disclose when asked”

Different employers recruit in different ways, so the point that you get asked about your criminal record may not be the same for every job that you apply for. Your first step should be to understand the employer's process as best as you can, so you can make an informed decision. Check their application form or recruitment policy – does it say anything about if or when they ask about criminal records?

Generally, it's best to disclose at the earliest stage required (i.e. when you get asked), because that's when they've asked (so that's when they're expecting to be told) and you won't feel like you're 'hiding' something. However, there are some exceptions to this. For example:

1. **'We do checks'** – If an employer indicates that they'll be carrying out a formal criminal record check, they should ask you to disclose before they do the check, but not all do so. In this situation, we'd always advise that you disclose **before** the formal disclosure is carried out.
2. **'Tick-boxes and waiting until interview'** – Many employers have a 'tick-box' on their application form. We encourage employers to 'ban the box' but many still ask in this way. Some people prefer to 'tick no' and disclose at a later stage when they believe they'll get a chance to explain. This has the downside of effectively 'lying' to the employer on the application form. It's also unlikely to be a sensible step for people on licence, on probation or who are barred.

CV's and covering letters

Many jobs ask for a CV and covering letter. A CV is designed for you to sell yourself as the best person for the job – you shouldn't normally include any information about your criminal record on your CV. If you have gaps due to time in prison, you could say that you were 'unavailable for work', or if you completed qualifications inside, list these instead. However, you must be prepared to honestly explain what you mean by 'unavailable for work' if you get asked.

Choosing whether to discuss in writing or in person

Often, how you disclose will come from how the employer asks. If possible, tell the employer in the way that you feel most comfortable with. This will depend on how you feel about talking and/or writing about your criminal record. It might also depend on the nature of your convictions and the type of job you're applying for. Usually, the employer's policy will lean you towards a certain way. Either way, we recommend that you provide the employer with the brief factual details of your criminal record in writing at some point during the recruitment process, so that you have evidence of what you've disclosed – keep a copy of this for your own records too.

Preparing to disclose

If an employer wants to know about criminal records, they will normally ask you to disclose in a certain way; this might be at interview or after they've made a conditional offer. Some employers ask on their application form. Where possible, we suggest that you disclose your record face-to-face; this tends to be most effective. Prepare a self-disclosure statement; this should help. Address any concerns you think they may have but stay positive and don't concentrate solely on the negatives of a conviction.

Think like an employer – Prepare for questions

However you choose to disclose, you should be ready for extra questions that the employer might have. The questions below are ones that employers often ask, so think about how you'd answer them:

1. Can you tell me about your criminal record?
2. Why did you commit the offence?
3. Was there anything happening in your life at the time?
4. How can I be sure you're not a risk?
5. What steps have you taken to change your ways?
6. How is your life different now?

Write a self-disclosure statement

Before applying for jobs, we advise that you write down the details of your criminal record. We refer to this as a 'self-disclosure statement'. This might be sent with your application if they ask a question about convictions, or you might use it when disclosing in person. However, it can be hard to communicate feelings and emotions in writing. Generally, you should:

1. **Keep it short** – it should be no more than one side of A4.
2. **Personalise it** – It needs to be tailored to the specific vacancy. Your criminal record may be more relevant to some jobs than it is to others. Don't copy "templates". The best and most effective disclosures are those that are written by you personally and are genuine. We have some examples on our information site. Visit <https://unlock.org.uk/advice/self-disclosure-statements/>
3. **Keep it simple** – Write so that people with no experience of criminal records can understand it.
4. **Structure it** – This will depend on what you think works best for you, but generally;
 - a. Start with something positive, like why you're applying for the job and what skills and experience you bring to the role.
 - b. Next, explain your conviction (see below)
 - c. Finally, finish with a strong and positive closing statement. You should offer the names and contact details of people who can vouch for you and your suitability.
5. **Get support** – If you struggle, get help. Probation staff, employment advisors and family members can help. Get somebody you trust to check it over, but make sure you write it in your own words.

Explaining your convictions

The most important part of a self-disclosure statement is explaining your convictions. Make sure that you relate to the job that you're applying for. You need to try and put yourself in the employer's shoes – they'll be making a judgement based on the information you provide. So make sure you explain:

1. **When you committed the offence** – If the offence happened a long time ago (even if the convictions were quite recent) then highlight this.
2. **The number** – If the offence was a one-off and out of character, this is important to point out. If you committed a number of offences over a period of time, try to group them. For example: "between 2004 and 2007, I was convicted four times for theft-related offences".
3. **How relevant the offences are** – If the offences are not particularly relevant to the role in question, explain this. Offence categories can include a wide range of behaviour which can make it difficult for employers to judge whether the offence is relevant to the job. For example, "theft" could be stealing a 50p chocolate bar, or £20,000 from a bank. Tackle any issues with your record which you think might be relevant to the role. For example, if your offence was violence-related and you're applying to work with children, refer to any recent experience you have.
4. **How serious they were** – Some offences sound more serious than the circumstances were. This is usually shown in the sentence that was received, so if this is the case, highlight that.
5. **The circumstances then** – If there were specific circumstances which led to your offending, explain these. For example, you may have been homeless at the time that you stole from a supermarket. This kind of information can help the employer to better understand,
6. **How you've taken responsibility** – When explaining the circumstances, be careful not to let these reasons come across as excuses. Employers generally look for people who are taking responsibility. If you took responsibility for the offence – for example, by admitting it to the police when you were arrested – then you should make this clear to the employer.
7. **How your life is different now** – Whatever the reasons that led to your offences, you should explain how you've addressed these, to reassure the employer that you won't be repeating them again in the future.
8. **Why you don't think you're a risk** – The employer may have concerns, or think they are taking a risk. You need to explain yourself and reassure the employer.

How to disclose

Disclosing on an application form

The 'ban the box' campaign encourages employers not to ask about criminal records on application forms but instead leave it until later in the process. See who's signed up by visiting <https://unlock.org.uk/advice/ban-the-box-employers/>. However, many employers still have a section about criminal records.

Even if you're asked at this stage, you might choose to be careful what you disclose. Some will just have a 'tick-box', whereas others might have space to explain. The question will also often vary. Generally, we advise against disclosing specific details on application forms. Instead, you could:

1. State on the application form that you're sending a self-disclosure statement.
2. Write on the application form **"Yes – happy to discuss if selected for interview"**. Withholding details until interview might give you the chance to explain face to face, although if it's clearly minor or irrelevant, you could state this; e.g. "Motoring fine 30 years ago".
3. Not disclose and wait until interview – see 'when to disclose' above for more details.

Disclosing in writing

If you're asked to provide details at application, you might choose to send a copy of your self-disclosure statement alongside your application. We wouldn't normally advise this, but if you do, make sure that you:

1. **Send it to the right person** – If you're not sure who this is, then ask. Send it in a sealed envelope marked 'confidential'.
2. **Keep a copy** – This is useful as evidence of what you've disclosed.
3. **Offer to meet with them** – You should offer to have a face-to-face discussion to discuss any concerns that the employer might have.

Disclosing in person (at interview or after job offer)

You need to be prepared to talk about your criminal record at interview.

1. If you've not been asked as part of the initial application process, you might be asked at interview.
2. If you mentioned your criminal record in your application, you might be asked for more details at interview.
3. If the application form did ask but you chose not to disclose it through fear of being automatically rejected, you'll need to make sure that you proactively raise this at interview (and you'll need to explain why you didn't disclose it on the application form).

Some employers don't ask about criminal records at interview. Some employers will wait until after the job offer to ask. This is something that we recommend as good practice. If this applies, they will hopefully make this clear in their recruitment policy.

Disclosing in person – Top tips

Many people feel most comfortable disclosing face-to-face. In our experience, this is what works best for individuals to explain and employers to understand. Whether at interview or a later stage:

1. **Prepare** – This will help you to reduce the chances of being caught off-guard by a question about your criminal record, or gaps in your employment history for when you were in prison. Make sure you know the details of your criminal record inside out. Hesitation or vagueness may make you look dishonest. Take your self-disclosure statement with you so that you have the facts written down. You might want to have a simple summary of factual information that you can offer to leave with the employer. Think like an employer – prepare for question they might ask.
2. **Practice** – Do some role-plays or a trial run beforehand with someone you trust.
3. **Be proactive** – If you were asked at application, we suggest you proactively mention at interview what you put on your application. This shows initiative and helps to avoid problems later down the line. For example, you might say: **“As you saw on my application form, I have a criminal record. If you have any questions for me, I would be happy to discuss them, as I’m keen to address any questions or concerns you may have”**. Even if it doesn’t come up at interview and you weren’t asked at application, you might choose to bring it up if you think it’s your best chance to explain.
4. **Keep it simple** – Make sure you keep your explanation simple and focused – don’t babble. Watch the interviewers’ body language to judge the right level of detail. There’s always a risk that you let your criminal record dominate the interview.
5. **Relax** – It’s difficult to be relaxed in any interview. Try not to come across as defensive.
6. **Don’t be embarrassed** – One in four people of working age have a criminal record. Employers are likely to have experienced criminal record disclosures before.
7. **Be honest** – Answer questions directly and honestly. Make sure you disclose all that you need to.
8. **Be positive** – Try not to focus entirely on the negative results of your record. Talk about what you’ve learnt and how you have become a better person as a result. Show that you have the right skills and experience for the role.
9. **Provide supporting information** – If you’re able to, back up things that you say with details from others. For example, you can often get confirmation that you’ve completed your community service, a letter from your probation officer and sometimes get copies of pre-sentence reports and sentencing remarks. We normally advise against providing a copy of your formal criminal record – if the employer needs one, they will usually apply for it (with your consent) after they’ve offered you the job.
10. **Leave a written record** – Provide the employer with a written record of what you’ve disclosed. This can be your self-disclosure statement or it might just be a brief factual record. It might not necessarily be the people interviewing you that will make the ultimate decision, so having something in writing to hand over might come in useful.

About this information

This information was last updated in December 2024. It may have since been amended or updated. Latest versions are available through visiting our website - <https://unlock.org.uk/advice/when-and-how-to-disclose-to-employers-3/>

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