



DO I NEED TO TELL PEOPLE ABOUT MY CONVICTIONS?



TELLING EMPLOYERS, COLLEGES & OTHERS ABOUT YOUR CRIMINAL RECORD

This booklet is to help you to tell organisations about your childhood criminal record

Telling people about your criminal record is often called 'disclosure'.

Nottinghamshire Youth Justice Service has teamed up with Unlock, an independent charity for people with convictions, to produce this booklet. It will also be available to download electronically.

INTRODUCTION

It is really important to know if you need to tell an organisation about your criminal record, and how best to tell them. It is also important to know when you don't need to tell an organisation about your criminal record.

Your criminal record is held by the police on the Police National Computer and includes:

1. Cautions given by the police
2. Convictions given at court

You might be asked about your criminal record when you apply for:

1. A job
2. A college or university course
3. Car or house insurance
4. Travelling abroad

A 'spent conviction' is one that will still be on your criminal record, but you don't always have to tell organisations about it (you wouldn't have to 'disclose'). The term 'spent conviction' comes from the Rehabilitation of Offenders Act 1974 and is to help people move on from their past.

You don't usually need to give organisations any details of your cautions or convictions once they have become 'spent'. However, for some jobs and other positions, you will still need to give the details even when they are 'spent'.

Some terms used in this booklet

1. 'Child' - This guide focuses on cautions and convictions received in childhood, which means when you were under the age of 18.
2. 'DBS check' – A criminal record check done by the Disclosure and Barring Service (DBS) – there are different levels of check that show different amounts of information.
3. Youth Justice worker – The person you can get support from, often known as a 'YOT worker'



UNDERSTANDING YOUR CHILDHOOD CRIMINAL RECORD

One of the first things to do is make sure you know exactly what your offences were and what sentence you got.

Did you know that...

Convictions and cautions stay on the Police National Computer (PNC) until you reach 100 years old. Offences you committed as a child are not deleted or 'written off' when you turn 18. However, you don't always have to tell people or organisations about them.

There are lots of people who do not know the details of their criminal record and it's important to get this right before telling others (disclosing). You only need to disclose what you legally need to.

To find out what's on your own criminal record, you have two options:

- 1.** You can apply for your own **basic DBS check**. This currently costs £23 and will show any unspent convictions. You can apply for this yourself, and is the same level of check that any employer could potentially ask you to do when offered a job (this is explained more further on in this booklet).
- 2.** If you're applying for a job that involves a standard or enhanced DBS check, you can't apply for that type of check yourself so instead you can apply for a **copy of your police record**. You have the right to ask the police for any information that they hold on you, including cautions and convictions. Asking for this information is known as a 'subject access request'. It is free to make a subject access request and it can take up to one month (around 4 weeks) for the information to be sent to you, although most come back quicker than that. The subject access request is just for your information, to then help you to work out what you need to disclose. Do not give this to an employer, college, or other organisation.

Visit hub.unlock.org.uk/record for details of how to apply for these and what will come back on them.

DO YOU **NEED** TO TELL THEM?

You **don't** have to tell others (employers, colleges, organisations) everything forever

Because of the Rehabilitation of Offenders Act 1974, most convictions have what is called a 'rehabilitation period'. This is separate to the sentence it-self. The rehabilitation period means the length of time that needs to have passed for someone to become 'rehabilitated' in law.

The length of the rehabilitation period is based on the sentence that you received and your age at the time of conviction. Once the rehabilitation period has finished, the conviction becomes 'spent'.

Spent convictions **do not** show up on basic DBS checks.

It can be complicated to work out when some convictions become spent. For example, if you have more than one conviction given at different times, one can affect another. If you were given a prison sentence of over 4 years, it will never become spent.

Some jobs that involve certain levels of criminal record checks will still show spent convictions. This is explained further on in this booklet.

How do I know when it becomes spent?

Once a conviction is 'spent', you do not have to give the details to most employers or colleges.

The tables below are based on cautions or convictions that you got when you were under 18. If you got cautions or convictions when you were over 18, there are more detailed tables on **Unlock's** website. Unlock also have a tool that can help you work out when your caution/conviction will be spent – **www.disclosurecalculator.org.uk**. You can get more information if you visit **hub.unlock.org.uk/roa**.



Caution

Cautions are official warnings given by the police. Conditional cautions include certain rules that you need to stick to.

Type of caution	When it becomes spent
Youth caution	On the date the youth caution is given
Youth conditional caution – conditions lasting less than 3 months	On the date the conditions end
Youth conditional caution – conditions lasting 3 months or more	3 months after the conditional caution is given

Other 'out of court disposals', such as community resolution orders, are not treated as cautions or convictions. They will not come up on basic or standard DBS checks. In rare situations they might come up on an enhanced check (see later in this guide).

Referral order (RO)

A referral order is another type of community sentence, also with things you need to do like meeting with your Youth Justice worker.

A referral order becomes spent on the last day of the order.

Youth rehabilitation orders (YRO)

A youth rehabilitation order is a community sentence, where you will work with a Youth Justice worker, rather than a prison sentence. It can include different things you need to do, including attendance centre (JAC), tagging, unpaid work (reparation or community service), or staying out of a certain area.

A youth rehabilitation order becomes spent 6 months after the end of the order.

Fines and compensations orders

Order	When it becomes spent
Fine	6 months after the date of conviction
Compensation order	When the compensation has been fully paid (Send proof of payment to DBS)

Other court orders

Type of order	When it becomes spent
Reparation order	On the date of conviction
Restraining order	At the end of the order
Restraining order – until further order	When a court decides the order should end
Sexual harm prevention order (previously known as a Sexual offence prevention order)	At the end of the order
Supervision order	At the end of the order

If no end date is given to an order, it becomes spent 2 years after the date you were given the order. However, if an order is stated to run indefinitely, it will stay unspent until a court decides the order should end.

As you can see from the table above, certain orders, such as a restraining order which are “until further order” might have an impact for a long time.

Sexual harm prevention orders

In some cases, a sexual harm prevention order (SHPO) can be given by a court to stop an individual doing certain things. This might include only being able to use the internet when it has software installed to make sure some sites can't be used.

They last for a fixed period of at least 5 years, but can sometimes be “until further order”. A conviction with a SHPO attached does not become spent until the end of the order.



Motoring convictions

Motoring convictions are given for driving offences, such as speeding or drink driving. Depending on the offence, you may receive penalty points or a disqualification. You may also have this recorded on your licence (an endorsement).

The length of time penalty points or endorsements stay on your licence is different to the length of time you need to tell people about them for. So, even though it's on your driver's licence you do not necessarily have to tell people about them.

Order	When it becomes spent
Disqualification – with end date	At the end of the disqualification
Disqualification – with no end date	2 years after the date of conviction
Endorsement	2.5 years after the date of conviction

Prison sentences, detention orders and hospital orders

Some prison sentences are suspended – this means that you will not have to go into custody if you stick to the order and do not get any other convictions in that time. But these are still treated as prison sentences when telling people (disclosing).

Hospital orders are sometimes given instead of prison sentences, for example if someone needs treatment for a mental health problem.

Sentence	When it becomes spent
Detention and training order (DTO) - 6 months or less	18 months after the sentence ends
Detention and training order (DTO) – Over 6 months	2 years after the sentence ends
Detention - 6 months or less	18 months after the sentence ends
Detention – over 6 months, less than or equal to 30 months	2 years after the sentence ends
Detention – over 30 months, less than or equal to 4 years	3.5 years after the sentence ends
Detention – over 4 years	Never

Multiple convictions

This is where it can get a bit tricky – so ask your Youth Justice worker or use Unlock’s calculator – www.disclosurecalculator.org.uk - if you are not sure!

You might have been given more than one sentence for the same offence, or you could have had more than one offence dealt with at court at the same time and so given more than one conviction..

If this happens then the spent date is the one with the longest rehabilitation period, and this will be the same date for all of the offences.

It is important to know that the time it takes for sentences to become spent can be affected by other convictions you have. This can be complicated to explain, but in most cases if you have an unspent conviction and you get another conviction before the earlier one becomes spent, none of them will become spent until the one with the longest rehabilitation period does.

Example

Sashy, aged 15, was given a 6-month youth rehabilitation order in January 2018 for theft. On its own, this would become spent in January 2019 (i.e. 6 months after the end of the order). But in November 2018, Sashy received a 4-month youth rehabilitation order for theft. On its own, this becomes spent in September 2019. However, this also means that the earlier conviction will stay unspent until September 2019 because the further conviction was given within the rehabilitation period of the first one.



IF YOU'RE ASKED, KNOW IF YOU NEED TO TELL THEM

You only have to disclose your record if you're asked. Many employers will ask at some point in the recruitment process.

Spent convictions

If your convictions are spent then you do not need to tell them for most jobs (those that can involve a basic DBS check), even if they ask about spent convictions or ask if you have ever been convicted.

Spent convictions might still show if you need to have a standard or enhanced DBS check but that will be explained further on. But for jobs like working in a factory or shops, you don't need to tell them. So long as the job is covered by the Rehabilitation of Offenders Act 1974, you are allowed to say "no" to this type of question once your convictions are spent.

Jobs that are not covered by the Rehabilitation of Offenders Act 1974 should make this clear in the job details or at the point that they ask the question. This could be jobs like working with children.

Unspent convictions

If your convictions are unspent, you legally need to disclose them if they ask you about them. If they ask you and you don't disclose, the job offer could be taken away or you could be sacked. You could even face a further conviction.

Visit hub.unlock.org.uk/disclosing for guidance on whether you need to disclose.

What checks can be done? DBS checks

You might see jobs that ask for a DBS check. These are done by the Disclosure and Barring Service. It's a check that is done for certain types of jobs where it's important to understand someone's background and make sure that their criminal record doesn't make them unsuitable. When the check has been done you will get a certificate with the information on which you show to your employer.

There are 4 levels of DBS check:

1. Basic
2. Standard
3. Enhanced
4. Enhanced with barred list

Which one is done depends on the job. You should be told which type of DBS check is needed, so that you can work out what information will appear on the DBS certificate. Make sure you know what level of check an employer is doing and only disclose what you legally need to. The level of check is particularly important once your criminal record is spent, because they won't come up on a basic check but will normally still come up on a standard or enhanced check (unless filtered). Visit hub.unlock.org.uk/checks for a summary of the different types of criminal record checks.

Basic DBS checks

A basic DBS check shows cautions and convictions that are not spent. Spent cautions and spent convictions are not included on basic DBS checks. Any employer can ask for a basic DBS check, and jobs that might have them include:

1. Construction work
2. Delivery driver
3. Supermarket worker
4. Postman

You can apply for your own basic DBS check if you want to find out which of your cautions or convictions are not spent. It costs £23.

Standard DBS checks

A standard DBS check shows all cautions and convictions, even if they are spent. Some spent cautions and convictions are filtered and so would not be included.

Roles that might involve a standard check include:

1. Jobs in the security industry that need a licence
2. Becoming a chartered account
3. Traffic warden
4. Becoming a solicitor or barrister



Enhanced DBS checks

An enhanced DBS check shows the same information as a standard check. However, it also includes any information held by the police that they think is relevant to your application – this is included in the ‘other relevant information’ section. This can include allegations, arrests and acquittals, as well as out of court disposals, such as community resolutions. Although this type of information is rarely included, if it comes back on your enhanced check you are able to query it with the DBS and potentially get it removed before you hand the certificate over to the organisation that requested it.

Roles that might involve an enhanced check include:

1. Driving instructor
2. Taxi driver
3. Cleaner in a care home

Enhanced with barred list DBS checks

An enhanced with barred list DBS check shows the same information as an enhanced check but also includes whether you’ve been barred from working with children or adults, depending on which group the role involves working with. If the role includes a certain level of working with children and/or vulnerable adults, you cannot work with the group that you’re barred from.

Roles that might involve an enhanced with barred list DBS check include:

1. School teacher
2. Nurse
3. Carer
4. Social worker
5. Childcare (working in a nursery or as a childminder)

When will a spent conviction be removed from my standard or enhanced DBS check?

Even once convictions are spent, they still show up on standard and enhanced DBS checks.

Some convictions are removed from these DBS checks. Whether it shows up or not is based on a set of technical rules known as ‘filtering’.

For jobs and other things that involve standard or enhanced DBS checks, you don't have to tell them once your conviction is filtered. Once something is filtered, it is 'hidden' and so it is not included on the standard or enhanced DBS check.

More serious offences (for example, violent and sexual offences) cannot be filtered and there is a full list of these on Unlock's website.

Youth cautions that were received as a child, will be removed (filtered) and never be disclosed.

1. The offence does not appear on the list of offences that cannot be filtered
2. 2 years has passed since the date of caution

For childhood convictions, it will be removed (filtered) if:

1. It is your only offence that led to a conviction
2. It did not result in a sentence of detention
3. The offence does not appear on the list of offences that cannot be filtered
4. 5.5 years have passed since the date of conviction

Offences that appear on the list of offences that **cannot** be filtered include most offences involving violence, such as ABH and GBH, as well as drugs offences that involve supply and sexual offences.

Offences that **can** be filtered, include common assault, harassment, shoplifting and drugs offences that involve possession.

If you are unsure if your offence will be filtered you can ask your Youth Justice worker or visit hub.unlock.org.uk/filtering

How else might they find out?

Organisations like colleges and employers will normally ask you to tell them about your criminal record, and then do the checks as needed.

Sometimes, the Youth Justice Service (YOT) may be asked for, or may choose to share information about, your criminal record. This should only be information that they believe will keep you and other people safe, and also to help you get the right support. It should only be information that they are allowed by law to share.

It is good practice for your Youth Justice worker to speak to you before they do this.

WHEN AND HOW TO TELL THEM

If you are asked, and you know you need to tell them, it's important to try and do this in the best possible way.

If an employer wants to know about your criminal record, they will normally ask you to disclose in a certain way; this might be at interview or after they've offered you the job. 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. But most of the big companies still ask on their application forms.

It's up to you to decide when to tell them and how to tell them, but it's usually best to:

1. Answer any questions they ask you honestly and accurately
2. If they ask on an application form, and you need to tick yes then state that you are happy to discuss in more detail at interview.
3. Don't put details in your CV or cover letter for a job
4. Try to get face-to-face with them so you can talk about it in person; this means they can see you as a person and you can explain how things happened.
5. Write it down if you don't feel comfortable talking about it (although it's better if you can feel confident in talking about it)

Visit hub.unlock.org.uk/disclosing for guidance on how and when to disclose and see who's signed up by visiting unlock.org.uk/banthebox

Preparing a self-disclosure statement

Before telling others, we advise that you write down the details of your criminal record. We call this a 'self-disclosure statement'. This can be helpful when talking face-to-face. Talk about what concerns you think they might have but stay positive and don't just mention the negatives of a conviction. Generally, you should:

1. Keep it short - just one side of A4.
2. Make it about you and the job – Your criminal record may be more relevant to some jobs than it is to others. Do not copy 'templates'. The best disclosures are those that are written by you personally and are genuine. Unlock has some examples on their [information site](#).
3. Keep it simple - Write it so that people with no experience of criminal records can understand it.
4. Keep it organised - This will depend on what you think works best for you, but generally;
 - a. Start with something positive, like why you are applying for the job and what skills and experience you bring to the role
 - b. Next, explain your convictions (see below)
 - c. Finally, finish with a strong and positive ending. You should offer the names and contact details of people who can vouch for you and your suitability (give you a good reference).
5. Get support - Get somebody you trust to check it over, but make sure you write it in your own words. If you are working with Nottinghamshire Youth Justice Service, they can help you.

Explaining your convictions

The most important part of a self-disclosure statement is explaining your convictions. Make sure that you relate them to the job or course that you are applying for. You need to try and put yourself in their shoes (see things from their point of view) – they will only have your information to go on. You should normally look to 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 2014 and 2017, I was convicted four times for theft-related offences”.
- 3. How relevant the offences are** – If the offences are not particularly relevant to the job, 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 at the time of the offence** – 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 have 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 they arrested you – 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 changed, to reassure the employer that you won’t be repeating them again in the future.
- 8. Why you do not think you are a risk** – The employer may have concerns, or think they are taking a risk. You need to explain yourself and reassure the employer.

THERE ARE LOTS OF GOOD EMPLOYERS OUT THERE

Many organisations employ people with convictions. Some employers choose to employ people with criminal records. 'Good' employers will deal with criminal records on a case-by-case basis. We regularly hear from people with convictions working in a variety of jobs; from construction, restaurants and hotels, to solicitors, accountants and the NHS.

However, sometimes organisations have poor policies and practices in place. For example, they might:

1. Ask a question about criminal records when they should not be asking
2. Do a higher level of DBS check than is needed or allowed
3. Not give you the chance to explain your criminal records

It's important for you not to let these types of employers and situations put you off, or give up. Nottinghamshire Youth Justice and Unlock can help.

YOU'LL NEED INSURANCE FOR A CAR OR SELF-EMPLOYMENT

Most insurers do not insure people with unspent convictions, even if the convictions are not relevant. There are some insurers that only take into account motoring convictions, so if you've not got motoring convictions, there is a list of insurers that can help. If you're looking to be self-employed or want house insurance, you'll find some insurers simply won't give you a quote. There are several insurance brokers however who should be able to assist you. Visit hub.unlock.org.uk/insurance for lists of insurance companies.



HOLIDAYS ABROAD DEPEND ON THE COUNTRY

If you're on licence you will normally need to get permission to travel outside the UK. Otherwise, there is rarely anything stopping you from travelling abroad and you should be able to travel freely within the EU. Travelling to some countries like America and Australia will usually mean you need to apply for a visa.

Visit hub.unlock.org.uk/travel to check on the country you would like to visit.

YOU CAN GO TO COLLEGE AND UNIVERSITY

College and Universities will often ask you to disclose your criminal record as part of the application process, especially for areas like nursing and teaching. It depends on what course you're going for as to what you'll need to tell them, and they should tell you how they will deal with this.

Visit hub.unlock.org.uk/education

Your Youth Justice worker will help you to apply, whilst you are working with them.

DEALING WITH STORIES ON THE INTERNET

Some people struggle because their case was reported in the news and/or is available online. This is often called the 'google effect' and means that employers can find out about your criminal record from the internet. If this is a problem for you, you might want to consider changing your name, if you really have no other choice. But remember that for under 18's its not often that they are allowed to give your name in the news.

Once your conviction is spent, you can apply to the website and search engine (e.g. Google) to request that the search results are removed.

Visit hub.unlock.org.uk/name for details around the process of changing your name and hub.unlock.org.uk/online on applying to google to have links removed

DON'T LET YOUR RECORD PUT YOU OFF!

It's important not to let any of this put you off from doing whatever it is you want to do. There are lots of areas of life which could be affected by your criminal record – becoming a trustee of a charity, going on game shows, claiming victim compensation. The key is to make sure that you know where you stand and be confident in explaining the circumstances. Often those that do well are the ones that have not let their criminal record get the better of them.



MY CURRENT SITUATION

This page is designed to help you to set out answers to specific questions about your criminal record.

Date	Caution/conviction	Sentence	When spent?	When filtered?

The types of jobs I want to apply for and what I'll need to disclose

Type of job	Level of check	Criminal record details required (unspent or unfiltered?)

This information is correct as of: _____

I have been helped in completing this by: _____



CHECKLIST

This page is designed to help you to set out answers to specific questions about your criminal record.

	Tick when done
Apply for my subject access request to know what's on my criminal record	
Work out if or when my record becomes spent	
Work out if or when my record is filtered	
Prepare a self-disclosure statement	
Practice my face-to-face disclosure	

USEFUL LINKS

There are more details on particular elements that are covered in this guide on Unlock's information site, hub.unlock.org.uk. Specific sections include:

- **Rehabilitation periods** – detailed table - <https://hub.unlock.org.uk/knowledgebase/roa-long-list-of-sentences-and-disposals/>
- **List of offences that will not be filtered** - <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

If you have any questions about this guide you can:

1. Contact your Nottinghamshire Youth Justice Service worker. For your local Youth Justice office, contact Nottinghamshire County Council is **0300 500 80 80**.
2. Contact Unlock. Unlock is an independent award-winning national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record. Their support for individuals is charitably-funded and aimed at helping people overcome the barriers caused by a criminal record, including disclosing to employers, criminal record checks, buying insurance, applying for housing and travelling abroad. They run a number of websites, including an information hub, which is the country's most comprehensive source of online information on a wide range of issues that criminal convictions can affect. They have a disclosure calculator, which makes it simple to calculate when convictions become 'spent' and so no longer need to be disclosed for most jobs and insurance. They also run an online peer-to-peer forum and an online magazine, the Record. Their confidential peer helpline responds to queries from people with convictions, including by telephone, email, WhatsApp and letter. Their main website is www.unlock.org.uk.



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