

Problems accessing insurance with a criminal record

Introduction

Unlock is a national independent advocacy charity that supports, speaks up and campaigns for people facing stigma, prejudice and discrimination because of their criminal record. A core mission for Unlock is to provide advice for people in respect of their criminal record, including help overcoming the barriers they're facing. Our website provides vital information and guidance for people with criminal records, but we also have a helpline provided by dedicated staff and volunteers, which deals with specific queries. People can [contact the helpline](#) in various ways, including via email, WhatsApp or our free phone line.

This document sets out an analysis of queries relating to insurance received over a six-month period. It summarises some of the key problems people face, and suggests how change of policy or practice could have a positive impact. These problems faced by people with criminal records when accessing insurance are just one example of the unnecessary barriers society still places in front of people. These barriers can limit opportunities in respect of finding a job, having somewhere safe to live or accessing further education as well as financial services. They also entrench stigma and discrimination – all of which can have a damaging impact on someone's sense of self.

Background

People with criminal records can face stigma and discrimination in all aspects of their lives such as when trying to get a job, applying to study or finding somewhere to live. Another area of particular concern relates to people accessing financial services, including insurance. This briefing looks at this latter issue, as represented by the queries received by our helpline. This provides a snapshot of some of the problems people face on a daily basis.

The cases identified as relating to insurance over a period of six months were analysed, and the number of times various issues were raised was recorded. Then some of the key problems discussed were summarised with an explanation of the specific problems faced.

Data

This data covers details of queries that came into Unlock's helpline from 1 September 2022 to 8 March 2023 that were identified as relating to insurance. Some of the queries covered more than one topic, but if any of the query related to insurance, it has been included in the dataset. Some of the queries flagged as relating to insurance actually involved a question about another issue, and these have not been included.

Overall numbers

- Total number of queries received by the Unlock helpline on all issues – 4,842
- Total number of queries on insurance – 168

Therefore 3.5% of queries included queries about insurance

Breakdown of queries relating to insurance

Out of the 168 queries relating to insurance, the following percentages set out how often certain issues were asked about. Note that some queries covered more than one issue.

Further issues were identified as being raised less than 5% of the time – they are not listed below.

Queries to Unlock:

- 45% asked about getting insurance with an unspent conviction
- 42% were general inquiries about disclosure to insurance companies
- 11% asked about confusing questions asked by insurance companies
- 9% asked about the impact of a criminal record on getting commercial insurance
- 7% asked about the impact of a criminal record on getting insurance related to being self-employed
- 5% asked about the impact of a criminal record on getting public liability insurance
- 5% asked about the impact of a family member with unspent conviction on getting personal or home insurance
- 5% asked about a change of insurance company policy/procedure impacting on getting insurance with a criminal record
- 5% asked about the impact of a criminal record on employment where a driving insurance was needed

Issues

A number of key problems were identified through analysis of the case files and they are summarised below.

Impact of unspent convictions

This is where people were either rejected by an insurance company or faced increased premiums due to their criminal record via an automatic process. People commonly find a criminal record is treated like a tick box exercise – so anyone who discloses an unspent conviction is subject to automatic rejection or increased premiums, without the specific circumstances of any offence being taken into account.

Unclear or confusing questions

This is where insurance companies ask somebody a vague question about their criminal record or for details about any criminal history, when they only have the right to ask about unspent convictions. The examples included people being very confused as to what they were required to disclose – sometimes leading to over-disclosure (see below).

Over-disclosure

This is where people disclose information about a criminal record that is spent, which means it does not need to be shared with the insurance company and should not be considered in respect of any decision made by the insurance company.

Examples included:

- People being refused insurance after over-disclosing spent convictions.
- Once someone was refused insurance for an unspent conviction, having to then disclose to other insurance companies the details of being rejected, even 20 years after the conviction became spent.
- Commercial insurance, where people were told they must disclose anything they thought might be materially relevant so they disclosed details of a spent conviction (even though they don't have to) and the company could then take it into account.
- Lack of clarity around the distinction between a conviction and points on a license, which are different processes. If a conviction is spent, it does not need to be disclosed, even if points on a license do need to be.

Working in a regulated or safeguarding role

This relates to over-disclosure for self-employed people in a registered or safeguarding role, where insurance companies can still only ask about unspent convictions and any further disclosure can only be required by regulating bodies or employers. Examples involved people over-disclosing when seeking insurance for working in a regulated role on a self-employed basis.

Assumptions made by insurance companies

This relates to the negative impact of terms and conditions including assumptions about your criminal record, where the small print of a policy stated that there was an assumption you do not have a criminal record and you do not proactively counter this statement. Examples included situations where someone did not proactively disclose their unspent convictions, but signed the policy as it was, which led to the policy being considered invalid.

Specialist insurance

This is where there are limited options as to insurance companies that offer policies, so people were more restricted and therefore struggled to 'shop around' to find someone who accepted them with unspent convictions. The examples included getting insurance for motorhomes, motorbikes or where public liability insurance was needed.

Family members

There is a negative impact experienced by people whose family members have a criminal record, where someone with an unspent conviction lived in the home leading to an insurance company either rejecting an application for home or personal insurance or increasing the premium.

Employed in a driving role

There is a negative impact on employment where driving is a key part of the role and employers therefore need to get insurance for the vehicle that someone drives for said role. Examples included:

- a) Someone having to disclose their conviction to the employer, even if the employer does not automatically ask for details of any criminal record.
- b) An employer not being able to rely on an individual getting their own insurance but requiring that individual to be added to their existing policy, which rejected anyone with an unspent conviction.

Conclusion

The problems identified by this analysis of queries received by the Unlock helpline indicate that people with criminal records experience challenges when trying to get insurance in various situations. As mentioned above, these challenges go beyond accessing financial services but are often experienced by people trying to get a job, find a home or engage in further study. Unlock are calling for wider reform of the criminal records system to make it fairer, more proportionate and easier to navigate and understand for everybody. More information is provided in [Unlock's policy manifesto](#).

However, this document has focused on issues specific to finding insurance. Some of these problems are because, unfortunately, as the law currently stands insurance companies can discriminate against people due to any unspent convictions (before the rehabilitation period is finished).

These negative impacts can continue even once a criminal record (or part of it) has become spent. When a criminal record becomes spent, somebody should be deemed fully rehabilitated and should therefore not have to disclose details of any offence. Unlock would like there to be greater restrictions around people being discriminated against in respect of their criminal record, but in the meantime, some of the problems identified could be resolved by insurance companies introducing better policies and practices.

Firstly, insurance companies should ensure they are asking the right questions, so people are not over-disclosing or confused as to what information they should be supplying. Currently people are experiencing unclear or confusing questions. We would encourage insurance companies to make sure they only ask about any unspent convictions and either provide information as to what an unspent conviction is or provide links to websites where people can find out for themselves. For example, Unlock hosts a [disclosure calculator](#) on its website, which allows people to check whether they have an unspent conviction. Or people can contact the [Unlock helpline](#), who can assist someone in working out what they have to disclose and when.

Secondly, where people are either being automatically rejected or facing increased premiums, we would call on insurance companies to introduce more nuanced policies, so they consider the specifics of an unspent conviction. This means they should look at the relevance of the offence as well as other characteristics such as how long ago it was or the age of the individual at the time of the conviction. Insurance companies should consider this information on a case-by-case basis rather than making blanket decisions.

Thirdly, the Information Commissioners Office requires any organisation collecting and holding information about an individual's criminal record to have a policy in place (which should be easily accessible), setting out the process for dealing with such sensitive data. We would encourage insurance companies to make sure any such policy sets out what information they are collecting and how it will be used in respect of their decision-making, ensuring their response is fair and proportionate.