

# The life-long consequences of criminal justice interaction(s): research findings

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## Summary

In the UK, there are over 12.5 million people living with a criminal record (henceforth PWCRs). Owing to its widespread use *outside* of the criminal justice system, the often-indefinite retention of such information can have long-term consequences for those who have them. This has attracted the attention of charities such as Unlock, and scholars such as those forming the Collateral Consequences of a Criminal Record Working Group<sup>1</sup>. Notably, a significant amount of this research has focused on the experiences of prison leavers as they navigate desistance and re-integration. However, the vast majority of those living with a criminal record have *not* experienced incarceration, and have records relating to minor cautions or convictions having briefly interacted with the criminal justice system (CJS) in youth. This means a significant number of people living with criminal records are currently overlooked, and their experiences are not effectively captured in research. This is a considerable oversight because, as this report will demonstrate, many of these individuals face life-long stigma and discrimination despite the lesser nature of their historical offending.

This report presents the key findings from doctoral research funded by Keele University. The purpose of this report is twofold. First, it seeks to illustrate the varied and often unpredictable ways criminal record disclosure can occur in both public and private life domains. Second, it will explore how PWCRs navigate such disclosures, acknowledging the highly subjective nature of criminal record experiences. In doing so, this report provides an evidence base for significantly reducing the use of criminal record information outside of the CJS, and illustrates why there is a need to develop communities of support for PWCRs. It calls for more empirical research with those

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<sup>1</sup> The CCCR Working Group is in affiliation with the European Society of Criminology. For a summary of the Working Group, please see here [Working Groups – European Society of Criminology \(esc-eurocrim.org\)](https://www.eurocrim.org/working-groups)

living with criminal records to further understand the implications of early-life CJS interaction. Indeed, it is hoped that this report will encourage further research with those living in England and Wales with criminal records, adding to the growing evidence base for meaningful reform.

## Acknowledgements

My sincere thanks goes to everyone who took part in this research. Thank you for engaging with the process with such openness, and trusting me with your life stories.

Thank you to Keele University for funding this work, and to my supervisors Professor Mary Corcoran and Dr Clare Griffiths.

Finally, thank you to Unlock for your continued support.

## Introduction to the research

### *Rationale*

The findings of this report are derived from doctoral research conducted between 2017 and 2023, at Keele University<sup>2</sup>. The research sought to explore the long-term implications of interacting with the criminal justice system, paying attention to both the structural barriers that exist for PWCRs, and the more affective consequences of being formally labelled an 'ex-offender'. The research idea emerged from conversations with academics at Keele university as I reflected on my work as the Project Co-ordinator for two Youth Commission projects in the West Midlands (2016-17)<sup>3</sup>. Through these projects I spoke to several young people who had already received a criminal record, listening to them as they contemplated their life chances, and discussed being labelled a 'criminal'. It was conversations with these individuals which prompted me to consider the long-term consequences of early-life interaction with the CJS, and how significantly life trajectories can be altered by what is, or is not, formally documented.

### *Research design*

Recognising that little research has been conducted with people living with historical and/or minor criminal records in England and Wales, the research set out to focus on these marginalised voices. A poster advertising the research was promoted via my social media accounts, and shared by Unlock via their mailing lists, website and social

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<sup>2</sup> Nicola recently spoke about her work on a podcast with Leicestershire Cares [All Things Youth Justice Podcast - Clearing the Record: Life Beyond Crime with Dr. Nicola Collett | Leicestershire Cares](#) Nicola's thesis can be found here [Constructing and maintaining a 'noncriminal' identity: a psychosocial narrative inquiry into the lives of people with convictions \(worktribe.com\)](#)

<sup>3</sup> The Youth Commission project was delivered by LeadersUnlocked, and funded by the Police and Crime Commissioners of Staffordshire and Cheshire. You can learn more about the work of LeadersUnlocked and the Youth Commission here [Youth Commission – Leaders Unlocked \(leaders-unlocked.org\)](#)

media accounts. This poster invited those who fitted three inclusionary criteria to take part:

1. Aged 25 or over at the time of the interviews
2. Have one or more non-custodial sentence or out of court disposal, aged 25 or younger. This may include but is not limited to, cautions, conditional cautions, fines, behaviour orders and suspended sentences
3. Living in the Midlands or Northwest of England at the time of the interviews (for logistical purposes).

It was noted that the research was interested in their experiences of living with a criminal record – negative, positive, or neutral.

Fifty-three people responded to this advert, fourteen of whom matched the inclusionary criteria noted above. After an introductory phone call and/or email correspondence, two interviews were scheduled with each participant. Figures one to four illustrate the demographic make-up of the research participants.

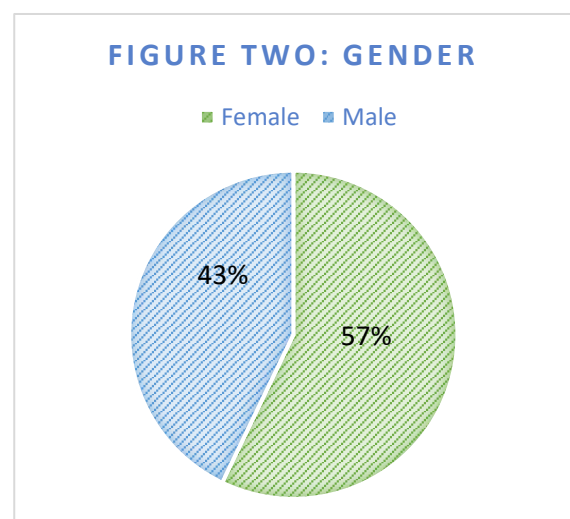
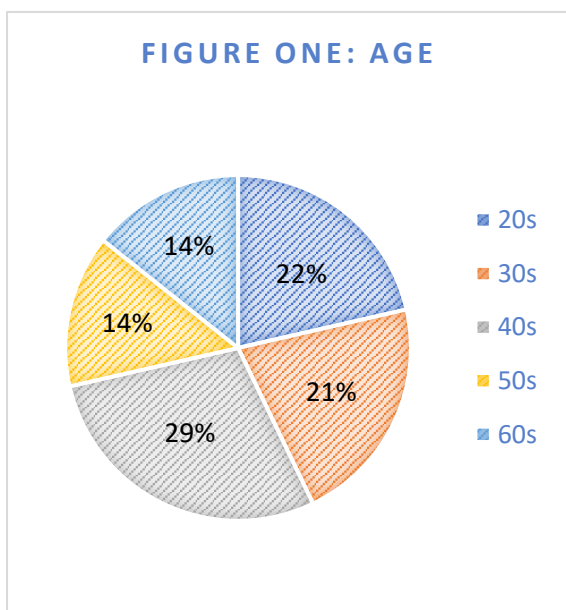


FIGURE THREE: ETHNICITY

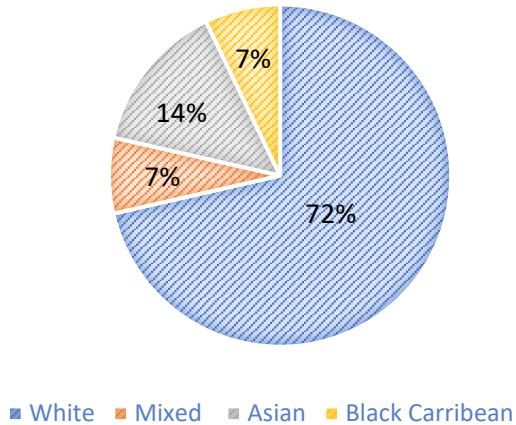
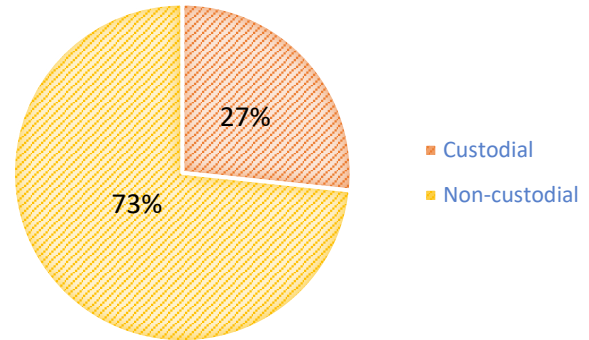


FIGURE FOUR: CONVICTION TYPE



It transpired in the interviews that several participants had also experienced incarceration alongside their minor and/or historical non-custodial sentences (see figure 4). One participant referred to himself as a ‘career criminal’ having engaged with the prison system throughout his life (Glenn). Another two participants had served two custodial sentences each (Simon and Martin), and one had served part of a 6-month custodial sentence (Jamelia). Whilst this was an unintended consequence of the recruitment method, this enabled me to interrogate the common assumption that those with minor and historical cautions/convictions will experience fewer, or less significant, collateral consequences later in life (discussed later in this report). The number of years that had lapsed since their last offence ranged from five to forty-five years, with the vast majority (10 out of 14) having lived for at least a decade without engaging with the CJS.

Each participant attended two interviews with me where I encouraged them to share stories about their past experiences. Using a narrative approach<sup>4</sup> the research aimed

<sup>4</sup> Narrative approaches are concerned with how people make sense of life experiences through storytelling.

to understand how people make sense of their experiences, and to explore the meaning(s) they give to their criminal record as a result. This report will first explore the wide-ranging impact of minor and/or historical cautions and convictions, before exploring how people navigate criminal record disclosure in different life domains. Throughout, real names have been replaced with pseudonyms.

### [The criminal record regime in England and Wales: an overview](#)

In England and Wales, there are three levels of check which can be conducted to access criminal record information outside of the criminal justice system - basic, standard, and enhanced. Instances where this information may be shared include, but is not limited to, employment, education, insurance, and housing. The information revealed in each level of check is dictated the Rehabilitation of Offenders Act (1974) and Filtering Rules (2013), and largely facilitated by Data Barring Scotland (DBS). The ROA and Filtering Rules offer some legal protection to PWCRs, aiming to 'support the rehabilitation into employment of reformed offenders who have stayed on the right side of the law.'<sup>5</sup> Specifically, the ROA outlines when an offence will be 'spent', deeming the individual legally rehabilitated and thus, no longer required to disclose their criminal record (exceptions to this are explained below). Filtering Rules allow minor offences to be withheld from the certificate provided by Data Barring Scotland. Tables one to four overleaf show the rehabilitation periods and filtering rules **at the time of the interviews**<sup>6</sup>.

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<sup>5</sup> [Rehabilitation of Offenders \(publishing.service.gov.uk\)](#)

<sup>6</sup> Changes were made to the ROA and Filtering in 2023. For the current rehabilitation periods and filtering rules, please see here ['How long do I have to disclose my criminal record for?' - A detailed guide to the Rehabilitation of Offenders Act 1974 - Unlock](#)

TABLE 1: ROA 1974 'SPENT' TIME PERIODS FOR PRISON SENTENCES AND COMMUNITY ORDERS (WITH A BUFFER PERIOD)<sup>7</sup>

Sentence		Time it takes to become spent	
		18+ at conviction/disposal	U18 at conviction/disposal
Custodial sentences	Life imprisonment	Never spent	Never spent
	Imprisonment over 4 years or a public protection sentence	Never spent	Never spent
	A custodial sentence of over 2 years 6 months, but not exceeding 4 years	Full sentence + 7 years	Full sentence + 2 years
	A custodial sentence of over 6 months, but not exceeding 2 years 6 months*	Full sentence + 4 years	Full sentence + 18 months
	A custodial sentence of up to 6 months	Full sentence + 2 years	Full sentence + 6 months
Non-custodial sentences	Community order/youth rehabilitation order	Full length of the order + 1 year	Full length of the order + 6 months
	Fine	1 year	6 months
	Conditional discharge	Length of the order	Length of the order
	Absolute discharge	Spent immediately	
	Conditional caution/youth conditional caution	3 months (or when it ends, if earlier)	3 months
	Simple caution/youth caution	Spent immediately	

TABLE 2: DATA DISCLOSURE AT DIFFERENT LEVELS<sup>8</sup>

	Basic	Standard	Enhanced	Enhanced+ Barring
Unspent conviction	Yes	Yes	Yes	Yes
Spent convictions		Yes (unless filtered)	Yes (unless filtered)	Yes (unless filtered)
Cautions (reprimands and warnings included)		Yes (unless filtered)	Yes (unless filtered)	Yes (unless filtered)
Police intelligence ('approved' information from PND)			Yes (if police deem relevant)	Yes (if police deem relevant)
Inclusion on Barring Lists				Yes (if specified)

<sup>7</sup> Table created using information from [Rehabilitation periods until 27 October 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/Rehabilitation_periods_until_27_October_2023_-_GOV.UK.pdf) and [ROA-Unlock-A3-Poster.pdf](#)

<sup>8</sup> See [Types of criminal record checks - Unlock](#)

TABLE 3: FILTERING OF OFFENCES 2013 (UPDATED 2020) <sup>9</sup>

	<b>UNDER 18</b>	<b>18 OR OVER</b>
<b>CAUTION</b>	Immediately	6 years
<b>CONVICTION</b>	5.5 years	11 years

\*excluding a number of offences which can never be filtered. This includes robbery, safeguarding offences, violent charges, drug supply offences etc.

However, as noted above, the ROA only prevents spent cautions and convictions from being disclosed in *some* cases. For example, there are a large number of occupations which are exempt from ROA protections - many of which make DBS checks a requirement as part of the employment process. Furthermore, in some life domains criminal records are not protected by the ROA, and other disclosure mechanisms are involved. For example, international travel is commonly approached via an online visa, or a visa waiver (ESTA) process. When applying for these travel permits people are often required to disclose their criminal record, and entry is dependant on 'good character' tests, and risk predictions<sup>10</sup>. Subsequently, a Standing Committee for Youth Justice report highlighted that '...cautions and convictions, including those for relatively minor offences, must frequently be disclosed for many years, and often for life'<sup>11</sup>.

<sup>9</sup> See [Criminal records that don't show \(stay\) on standard and enhanced DBS checks \(filtering and protected cautions and convictions\) - Unlock](#)

<sup>10</sup> [Travel - Unlock](#)

<sup>11</sup> See [Growing Up, Moving On: Our work to reform the law on childhood criminal records | Standing Committee for Youth Justice \(scyj.org.uk\)](#)

## The wide-ranging impact of minor cautions and convictions

Whilst the Rehabilitation of Offenders Act (1974) and Filtering Rules (2013) go some way to protect the unlawful and disproportionate disclosure of criminal record information, it has been argued that the legislation does not go far enough<sup>12</sup>. In 2022-23, 7.5 million DBS checks were issued - 4.5 million of which were enhanced (a 10.8% increase from the previous year)<sup>13</sup>, *potentially* revealing historical and/or minor cautions and convictions (see table 2). This research gives important insight into where, when and how criminal record disclosure can occur. Whilst there were similarities across participants accounts, experiences were highly varied and complex. To demonstrate this, the first section of this report will provide an overview of the often unpredictable and disproportionate ways early-life minor criminal records manifested in the lives of participants. The most prominent issues discussed in the interviews were:

- Securing and maintain employment
- Promotions and career progression
- Engagement in family life
- Developing personal relationships
- Participation in social and leisure activities
- Mental health and wellbeing
- International travel
  - Stigma
- Community and 'belonging'
- Insurance and financial services

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<sup>12</sup> See [Why-we-need-reform-of-the-criminal-records-system.-Unlock-briefing-February-2023.pdf](#)

<sup>13</sup> See [2022-23 DBS Annual Report and Accounts.pdf \(publishing.service.gov.uk\)](#)

Unable to provide an exhaustive account of each participant's life experiences, this report aims to give insight into the complex ways disclosure impacts on the lives of PWCRs. The report will draw on the narratives of people with custodial offences *and* without, countering the common-sense argument that only those convicted with more serious offences experience the aforementioned collateral consequences of living with a criminal record.

### *Employment and Volunteering*

Several participants recalled at least one experience of having a job application rejected *solely* because of their criminal record. Importantly, whilst some of these rejections were from ROA exempt occupations and/or jobs which required an enhanced DBS certificate (e.g. the police, social work and children's education settings), several participants also experienced rejection from non-exempt occupations such as retail and hospitality roles. Rachel – 31, working in retail - explained that she struggled to find work after college whilst she was waiting for her convictions to become spent. She explained that being rejected from non-regulated jobs was 'a kick in the teeth' leaving her feeling devalued and unemployable. Reflecting on his experience of trying to find work in his twenties, Martin – 49, coffee van business owner - discussed the 'draining process' of filling out application forms, attending interviews, waiting for his DBS to be returned, and then waiting for the employer to make their decision. Often, Martin found that he would be successful at the interview stage and then later rejected when his DBS certificate was returned. This left him 'stuck in a loop' of rejection which used up a significant amount of his time and emotional energy.

Several participants noted the impersonal and dismissive nature of their job rejections, recalling instances of being denied access to opportunities *without* being given the opportunity to explain the context of their criminal record. Paul – 26, university graduate – applied to work for the police but was rejected when the ‘mark down on [his] name’ was revealed during the vetting process. He contacted them to make a case for exception but felt he was unable to have ‘an educated discussion’ about his past. He explained that this compounded his experience of rejection, and left him feeling ‘belittled’. Louise – 34, social worker - shared a similar experience, but she had already started her training when she was dismissed. She explained:

*It was just like a brick wall [...] they wouldn't speak to me [...] just an outright 'we're not continuing with your employment', or whatever, but by that stage I'd done all the training [...] and I'd been doing it about a week [...] then when they withdrew the offer, they refused to pay me [...] and then obviously I had no job [laughs] there was no discussion, there was no opportunity to put my side across, to explain any of the context. It was just an outright no.*

The nature of the dismissal and lack of monetary reimbursement for her time left Louise feeling exploited and coldly discarded by the employer. Similarly, Yasmeen – 28, Department for Work and Pensions employee - explained she felt exploited when she was dismissed from her volunteering role, six-months after she had started. She explained:

*[I'd] invested my time with them and then six months later, through no fault of my own [...] I get a call saying 'Sorry [Yasmeen] we're going to have to withdraw you from the [project] because your DBS has come back' [...] they wouldn't give me any acknowledgement for what I done yeah, for what I done for them. Like, no certificate, no nothing, do you know what I mean? Like, I did just give six months of my life um, so it was a bit of a joke you know.*

She explained this ‘devastating experience’ was a ‘huge knock’ to her confidence, leaving her feeling ‘used for [her] experiences’. This example also raises important ethical considerations for how research projects incorporate the voices of those with

'lived experience', ensuring that their participation is experienced as meaningful and fulfilling.

Importantly, Paul, Louise and Yasmeen each expressed frustration that the narrative provided by their DBS certificates was of greater importance to the employers than their own personal accounts. Louise expressed this particularly clearly:

*[S]omebody had made a judgement about what they'd seen on paper um, and didn't know any of the circumstances, and was judging the kind of person that I am on my criminal record. There was no chance to explain um, and even when I contacted them to try and give them an explanation, they just would not speak to me [...] what was written down on paper was more important than what I had to say about it and yeah, that was horrible.*

This illustrates the power that a DBS certificate can have, despite it providing a depersonalised and decontextualised account which very rarely matches the reality of offending.

For some, criminal record disclosure was delayed even further, occurring several years into working with an organisation. Indeed, this research revealed that workplace disclosures were often unpredictable, occurring due to changing company structures, policies and practices, and due to evolving job roles and responsibilities. For example, Jamelia – 50, drugs and alcohol support worker - recalled being asked to present her DBS certificate when her company went through a merger despite her three years of service. Feeling unfairly targeted and concerned for her privacy and reputation at work, Jamelia insisted she met with someone from another office. Whilst the disclosure was contained and she kept her job, this experience had a detrimental effect on her mental health, and Jamelia put in a formal complaint questioning the legality and necessity of this practice. Her company accepted that there had been inconsistencies in their approach to asking employees to disclose their criminal records, and invited Jamelia to sit on a panel to inform future practice.

With regards to evolving job roles and responsibilities, Kirsty – 42, disability assessor – explained that she had been able to secure work by legally withholding her spent conviction. However, she feared her responsibilities in the future, recognising that she may be required to undergo an enhanced DBS check. She noted that this would likely cause her to leave her job as she was unwilling to discuss her ‘deeply private’ past with her employer. Kirsty’s ‘worst case scenario’ became a reality for Rachel who had to leave a job she ‘loved’ when her line manager began asking her to attend school visits and travel to their sister office in America. She explained that she ‘ran out of excuses’ not to and left, having legally withheld her criminal record from her employer at the application stage.

It was also revealed that, somewhat ironically, wanting to advance in one's career can lead to delayed criminal record disclosure. For example, Louise secured work as a social worker by disclosing her convictions to ‘nameless, faceless HR people’ at the application stage. However, when she applied for a promotion several years later, she was interviewed by her line manager who was unaware of her criminal record. Having already established a professional relationship with her line manager, Louise explained that this disclosure was particularly ‘horrible’, feeling more invasive on a personal level. Whilst her line manager was ‘absolutely fine about it’, Louise explained that it had been ‘embarrassing’, and could have had a detrimental effect on her work.

Paul and Martin explained that their desire to establish *meaningful* careers drew them towards ROA exempt occupations, ultimately leading to further rejection. They had both attended university to study criminology believing that it would help them secure work within, or around, the criminal justice system, enabling them to use their past experiences to help others. However, when they started to apply for these kinds of

jobs they both experienced rejection on the grounds of their criminal records.

Reflecting on how he compared to his peers Martin explained:

*I wanted to go and work with ex-offenders but [...] I stood no chance, I was hindered [...] I applied for a lot of these jobs [and] people I graduated with, who had no concept of the background or the life that I got, [...] walked straight into these jobs [...] and that really peed me off that did.*

Both Paul and Martin discussed the difficult irony of this at length in their interviews, reflecting on how they were screened out of such opportunities whilst others *without* lived experience were able to secure them. Ultimately, this left Martin feeling 'cheated' out of meeting his potential. Kirsty also discussed not being able to reach her potential as a graduate having been 'banned' from opportunities due to her criminal record. She reflected on how standard of living and quality of life were significantly affected as a result:

*I love me job but it pays so little that I don't have to repay me student loan and I'm on working tax credit. I'm working all week and absolutely knacker myself for very little money, and I can't afford to save up and go on holiday and, you know, things like normal people can [...] I just feel like I'm stuck at this level for ever and ever, and then I'll retire and I'll have nothing to live on, or very little to live on.*

Comparing herself to 'normal people', Kirsty was illustrating how her criminal record was a marker of difference, preventing her from living an ordinary life, and attaining mainstream life goals. When reflecting on his rejection from the police force (see above), Paul also shared this sentiment, explaining how he felt like 'an outsider' living on the periphery of society. Paul also made an interesting comparison between professional and lower-skilled occupations:

*I've got mates who ave' got criminal records n' they're all work on building' sites [...] the issue is that I've gone to uni. So, the jobs that lead on - graduate jobs – they tend to be a bit more niche. So how far down the line can I get away with not havin' to declare it? [...] Is it gonna' hold me back in every single high paid job?*

Indeed, other participants with more lengthy criminal records reflected on how they themselves had not experienced issues with employment as the sectors they worked in did not require DBS checks. For example, Glenn – 65, retired – explained that he had always been able to secure work as he had not applied for 'those sort of jobs', working largely in motor industry selling car parts. This meant that, despite serving several custodial sentences and being on probation at the time of the interviews, Glenn had always been able to work full-time in manufacturing, and he asserted that his criminal record had no real impact on him. Ben - 37, university student and business owner - explained that being self-employed and working in construction meant he did not need to disclose his criminal record for work, and he did not have to worry about finances or rejection as a result. This was despite narrowly avoiding prison with a suspended-sentence, several years prior to the interviews. Interestingly, neither Glenn or Ben had purposely chosen these jobs to avoid disclosure, and neither Paul or Martin had foreseen that their career aspiration could lead to more frequent disclosure and rejection. This further illustrates the unpredictability of the collateral consequences of a criminal record.

### *Travel and family life*

Further evidencing how the consequences of early-life criminal justice interaction extend beyond the scope of formal punishment, several participants discussed how their freedom to travel and engage in family-life had been impacted by their criminal record. Louise recalled two experiences of travelling abroad with her family, several of whom were unaware of her past offences:

*I went to Australia in 2023 and they ask you to declare if you've got anything and obviously, if you tick yes, you have to go to a separate desk. I was traveling with family and obviously, they've gone through the normal queue, and I've had to say 'oh, I've got to go to that special desk'. They didn't ask any questions but yeah, that was embarrassing [...] then I went to New York last year and that was the first time I've been to America, and that was just so stressful because you have to fill in the ESTA form to get your electronic authorisation before you travel. I filled it in and I answered completely honestly umm, but I was still worried, still thinking they're gonna' stop me, they're gonna' know something about me, they're gonna' stop me at the airport, they're not gonna' let me in, it's gonna' be this massive scene in front of my family, I'm gonna' get deported, I'm gonna' get interviewed by immigration, and it's gonna' be horrendous.*

Whilst Louise did not experience any issues travelling on these occasions, she explained that it was 'really, really stressful' trying to understand the disclosure requirements for different countries, and that her 'anxiety' and 'fear' meant she 'dreaded' the trips. Rachel expressed the same frustration at having to research entry requirements for different destinations, explaining that she would spend a considerable amount of time reading blogs and social media posts trying to understand the process. They both explained that their stress and anxiety was compounded by not being able to ask for help without revealing their criminal records to friends and family. This illustrates how the stigma surrounding criminal records can force people to navigate disclosure alone, making it an incredibly isolating and difficult experience.

Sally – 65, retired school librarian - was prompted to take part in the research when her visa application for America was denied, and she was required to attend an interview at the US embassy in London to apply for a waiver of ineligibility<sup>14</sup>. This came as a shock as she had travelled to the United States several times before, and she commented that immigration rules had 'tightened up under the Trump administration'.

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<sup>14</sup> A waiver of ineligibility can be granted when a person is ineligible for a visa, but may be able to travel under another travel provision. A waiver allows a person to travel to the United States without a visa for tourism or business visits, for 90 days or less. However, a waiver is generally valid for a shorter period of time, and covers fewer visits.

She likened the embassy interview to 'being back on trial' and explained that she found the experiencing 'humiliating'. Whilst she was granted the waiver enabling her to travel, Sally got in touch after the interviews to share that she was separated from her partner and detained for interrogation upon landing. This exacerbated her already existing mental health issues, and made her feel apprehensive of future international travel. This was significant to her, as her and her partner had planned to spend their retirement travelling together. She discussed the 'guilt' she felt about this, recognising that her criminal record would now impact her partners retirement, as well as her own. Uncertainty regarding travel was a reoccurring theme throughout this research, partially due to the United Kingdom leaving the European Union<sup>15</sup>. Indeed, this geo-political change served as a prompt for several participants to reflect on future travel:

*Travel restrictions will come in after Brexit [...] and I think a lot of people are going to be caught out thinking they can go to any country, but a lot of them will be Visa entry for us now.*

Sally

*I think I'd read an article [...] talking about how they'll bring American style ESTA's, and that people would have to pay like twelve pounds [...] and I thought, fuck sake, because that's gonna' affect me now [...] I thought, that just brings more travel restrictions [...] I'm used to going to Spain or wherever, and then all of a sudden it's like, restricted. So, I was even nervous about booking a holiday until Brexit was done.*

Rachel

These quotes by Sally and Rachel demonstrate how the lives of PWCRs can be effected by large-scale socio-political changes outside of their control, even when their records relate to historical and/or minor convictions and cautions. This places a unique

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<sup>15</sup> The national referendum was held in 2016, and at the time of the interviews (2019) there was a considerable amount of uncertainty around the consequences of 'Brexit' for different life domains, including interactional travel and immigration processes.

burden on PWCRs, requiring them to be informed of changing police/practice, adapt their present-day activities in response, and reconsider their future expectations and goals. Indeed, as noted by Louise and Rachel, whilst some changes can positively impact PWCRs, other times the ‘pendulum can swing’ towards more punitive attitudes creating new restrictions. More examples of how criminal record disclosure impacts on family life will be discussed later in the report.

### *Being labelled a ‘criminal’*

Non-surprisingly, the enduring stigma of a criminal record was one of the most prominent themes that emerged from the research. This was articulated by Kirsty in her first interview:

*I'm marked as a criminal for the rest of my life. I am in this group of offenders, or ex-offenders, for the rest of my life, and I have to live with the stigma attached to that.*

Importantly, how people experienced this stigma varied, often depending on the context of the criminal record disclosure, and on the nature of their cautions and/or convictions. For example, having been convicted for a violent offence (of which he maintained his innocence for), Martin explained how being labelled a ‘violent ex-con’ had a significant impact on his sense of self. Indeed, whilst he referred to himself as having a ‘criminal career’ and discussed his incarceration in the interviews, he maintained that he was simply ‘young and dumb’ at the time of his offending, and did not pose a threat to anyone. He explained:

*I'm not a violent person, I never have been! And they have me down on paper [shaking head] if I look at my criminal record I'm like, is that really me? The way it reads and to who I am is a totally different concept.*

He explained how he had battled with this over the years, trying to resist internalising the stigma:

*I've always known, I've always been told by everybody I'm capable of so much more, but I've never been able to shed the insecurity that comes from being labelled as a violent ex-con. Mud sticks, if you get told you're stupid often enough you will suddenly start looking at yourself in the mirror and start saying, 'well, am I?'*

Unable to shed this insecurity, Martin explained that he never had the confidence to apply for 'professional suited and booted jobs'. Furthermore, he explained that it created challenges when forming romantic relationships, noting there was 'never a good time' to tell a potential partner he has a 'record of violence'.

Yasmeen also discussed the stigma of her offence, explaining that her caution for neglect 'made [her] feel like a bad mum'. Aged eighteen, Yasmeen was arrested after fleeing her home to avoid an altercation with her abusive ex-partner who, importantly, she believed was of no risk to their children. She explained how this was 'different' to the other offences on her record:

*I've got other things on my record like fighting when I was in a children's home and stuff like that, but [...] I felt like it wasn't as embarrassing as being accused of neglect, do you know what I mean?*

*You're never gonna' expect [people] to understand [...] cos' it sounds really bad like, you know, 'she left her kids alone what kind of mother is she?'*

For Yasmeen, fighting as a child in a children's home was 'normal' for someone in her circumstances and thus, less stigmatising. In contrast, she felt that her neglect offence made her 'look like a bad mum' - not something easily understood by others. There is an emerging body of literature exploring how criminal record stigma is experienced differently by women owing to social attitudes around female offending<sup>16</sup>, but this warrants further exploration.

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<sup>16</sup> See a report by Unlock [New report highlights impact of criminal records on women - Unlock](#) and a book chapter by Nicola on gender and criminal records [Accounting for the Gendered Nature of 'Collateral Consequences' of a C \(taylorfrancis.com\)](#)

Significantly, the *enduring* nature of criminal record stigma was discussed by several participants making it a central theme running throughout this research.

*Everybody is entitled to some kind of rehabilitation, but I feel it's never gonna' come. Eighty-five I will still be sitting here saying, 'I'm a criminal'.*

Sally

*It's had an impact on my life when I thought it was done, you know? I thought I'd reinvented myself - I'd left that life behind [...] I've had a clean slate throughout uni - nothin's gone wrong but still, this is apparently the pinnacle of my life that should dictate where I can go.*

*It starts makin' you think that you're just a failure, and that you can't escape it. No matter what I do, is there any way of escapin' it?*

Paul

*My life is so different now you know, it was half my lifetime ago and it's still there, and it's still hanging around in the background, and it comes up at these times and it means that I have to tell people um, and it's embarrassing and it's horrible [...] it was two mistakes that I'd made as a kid that are just never gonna' go away. They were so minor but still, they will follow me around for the rest of my life.*

Louise

*Years later in life as I've tried to shed that background and put it behind me [...] I have not been able to. It has haunted me. It has always come back to haunt me, you know?*

Martin

These quotes illustrate the emotional burden of living with criminal record stigma, and shows how the widespread use of criminal record information outside of the CJS undermines the protections of the ROA and Filtering Rules (see above), denying PWCRs full civic rehabilitation and social integration.

#### *The re-traumatising effect of criminal record disclosure*

Another important finding of this research is the emotional harm caused by criminal record disclosure. Indeed, most referred to disclosure as uncomfortable or unpleasant, and some referred to it as a distressing experience with significant implications for

their mental health and wellbeing. This was discussed in detail by several participants who had received their criminal record whilst experiencing trauma and/or victimisation. For example, Megan – 35, social science researcher - explained that her offending occurred whilst she was going through ‘a traumatic period’ of her life, living in foster care as a teenager. She discussed the disclosure of her criminal record as a ‘re-traumatising’ experience:

*It's quite painful to disclose it anyway because, not only do you have this stigma of having a criminal record, also I feel that people will look and see the amount of convictions and the age I was, and they'll think 'ooh, what else has gone on there?' [...] it was a really traumatic erm, period of time in my life, so when I have to disclose it or talk about it, not only I've got the actions of the things I've done wrong, I've got the context of it all as well which, for me, feels worse. It's like, I don't know, little bit re-traumatising, I don't want to use those terms official terms, but the feelings of what I went through comes back [...] having people look at that and judge you, just on that piece of paper - I feel like they can see into ya soul.*

For Megan, disclosure left her feeling exposed to other peoples’ judgments and assumptions about what may have happened to her in the past, exacerbating the painful nature of the disclosure, making it feel deeply exposing and personal. Similarly, Yasmeen explained that disclosure when trying to secure work would force her to revisit the trauma of domestic violence:

*It caused me a lot of grief in the sense that I had to re-live that situation over and over again [...] and it was really, really difficult like, I felt really like, uh, I don't, I can't like, even just talkin' about it now, I can feel those emotions comin' back to me.*

*I had to keep reliving it over and over again, and that can uh, really damage a person's confidence, and it can make you feel like you're never gonna' move on from that, because they're never gonna' let it go. It's like they won't let you stop reliving your past.*

Yasmeen explained that the harm of 'reliving [her] past' would start prior to the disclosure with 'paranoia' and 'anxiety', and continue through the interaction itself with the resurfacing of emotions. It would then have a longer-term impact, damaging her confidence and making her feel the past was unescapable. Having received her criminal record whilst struggling financially and trying to provide for her children, Jamelia also discussed the resurfacing of negative emotions when having to explain her convictions. She explained that disclosure acts as a reminder of past family struggles, and difficult private issues. Referred to in my PhD thesis as 'the rubber-band' effect<sup>17</sup>, these quotes illustrate how criminal record disclosure can draw PWCRs back in time, forcing them to revisit deeply personal and harmful experiences in their past. Given that many PWCRs are likely to have such experiences in their life histories, this is a significant issue which needs further consideration.

### Navigating life with a criminal record

As illustrated above, owing to the widespread use of criminal record information outside of the criminal justice system, there are a plethora of ways disclosure can occur in the lives of PWCRs. Alongside sharing experiences of disclosure with me, participants also discussed the strategies they used to manage the stigma of their criminal record. As this section will demonstrate, these strategies were often chosen after weighing up the potential benefits and risks of any given disclosure. Importantly, this research revealed that alongside more well-documented disclosure scenarios (e.g. job and visa applications), everyday activity also requires the careful

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<sup>17</sup> A link to Nicola's PhD thesis can be found here <https://keele-repository.worktribe.com/output/597588/constructing-and-maintaining-a-noncriminal-identity-a-psychosocial-narrative-inquiry-into-the-lives-of-people-with-convictions>

management criminal record stigma (e.g. informal social and leisure situations). This is an important and underexplored aspect of living with a criminal record.

### *Self-exclusion from legitimate opportunities*

One of the most common strategies for dealing with disclosure was self-exclusion from legitimate opportunities. Coined the 'chilling effect' in research by Unlock<sup>18</sup>, this self-exclusion was often deemed a necessary means of avoiding further stigma and rejection - like those examples outlined above. For example, Rachel explained how 'ambiguity' over recruitment processes had discouraged her from applying for jobs which required a DBS check. She recalled one occasion when she was headhunted by a well-known company, but was unable to take up the opportunity. She explained:

*I'd be deliberating whether to email back and ask about whether the checks were like, Basic or Standard, but then I'd be thinking well, they're gonna' read into that. I never had the courage to do it because I thought, I couldn't find a way of bringing it up without them thinking it was a bit of a red flag [...] they're trying'a get information from you, so they're reading between the lines on absolutely everything, so I just thought I can't ask that, so in the end I just umm, I ignored anything that was financial.*

By turning down these opportunities and relying on jobs which did *not* require an enhanced DBS check, Rachel was able to maintain full-time employment whilst legally concealing her past from others. However, this meant she had been unable to put her foundation degree in graphic design to use and, like Kirsty (see above), had to accept work which gave her a lower job satisfaction and a lower salary.

At the time of the interviews, Paul was considering applying to The Probation Service, hoping that 'their ethos' on rehabilitation would give him a better chance of securing work. However, having recently been rejected by the police force (see above) he was hesitant, concerned that a second rejection could have a significant impact on his

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<sup>18</sup> As an example, reference to the 'chilling effect' of criminal records can be found in the 2018 report 'A life sentence for young people' - see [Youth criminal records report published - Unlock](#)

mental health and career aspirations. Subsequently, at the time of the interviews he had paused his application and was unsure if, or when, he would resume it. Reflecting on how apprehension of disclosure had held her back in the past, Alice – 25, working for a criminal justice charity – explained that she had ‘stalled’ for a period in her early twenties. She explained that she suffered from severe anxiety after being wrongly informed by police that she would have to disclose her caution for the foreseeable future. Fearing the judgement of others, Alice ‘put off’ her place at university and ‘drifted through part time jobs’ until she regained confidence, and later attended with the support of her partner.

Participants also shared how they avoided international travel, fearing a distressing disclosure interaction in a foreign airport (like that experienced by Sally – see above). For example, Rachel had successfully attained a visa to take her daughter to Disneyland, Florida, but her fear of being detained upon arrival prevented her from going:

*It terrifies me cos' [...] if you're refused entry when you land in America, what happens then? Because clearly, they can't let you go, and then you've gotta' wait for flights back and I thought, what happens in the meantime when I'm with my daughter? And that just gives me anxiety cos' the thought [...] of being potentially separated from her terrifies the shit out of me.*

For Rachel, the potential risk was too significant, and she had not yet ‘found the courage’ to go. Ahad – 51, health and safety officer - also shared that he was unable take his granddaughters to Disneyland in Florida. Despite being a British-born citizen, he believed that his criminal record *and* his identity as a South-Asian Muslim would make entering the United States ‘impossible’. Subsequently, when his family had travelled to America in the past he stayed home, not wanting to face rejection and be ‘humiliated’ at the airport. Importantly, these examples demonstrate how restricted

travel has an unforeseen knock-on effect to family life, preventing Rachel and Ahad from engaging freely with family vacation experiences. Ahad's example also illustrates how other identity characteristics can compound the stigma of a criminal record in certain situations – another area warranting further exploration.

Also reflecting on how her criminal record infringes on her family life, Megan discussed how her decision to avoid disclosure had prevented her from being involved with her childrens' schools. She explained:

*[T]hey go on school trips and there are calls for volunteers, and I've never volunteered because I think that's gonna' involve a DBS check and I'm not willing to, as much as I'd love to go and help out on the trips and things, I don't want to undergo that whole erm, rigmarole basically of somebody finding out and then me having to explain it, and then sort of exposing myself putting myself at risk of them saying no to me basically, if that makes sense?*

Megan explained that the risk of 'exposing' herself was too significant, forcing both her and her children to 'miss out' on these experiences. This is another example of how the collateral consequences of CJS interaction can impact not only the person living with the record, but those around them.

Whilst participants recognised that their self-exclusionary behaviour was prompted by unjust policy and stigma, they explained that trying to openly challenge people and/or processes was not an option. For example, Megan shared that she had withdrawn from a specialist coaching session with her running group, concerned that it would lead to her criminal record being disclosed. She explained:

*You have to fill out a self-disclosure form which is written by UK Athletics and erm, because my background is law, I sort of read all the terms and*

*conditions, and I'm not convinced that if I fill out that self-disclosure and send it off with my passport that, what I sign, the way that they're written it, that they could just send that off for a DBS [...] I really want to go to this training session, it would benefit me, but I really don't want to explain to people in my running club.*

Despite her frustration at this situation which 'cropped up out of the blue', she explained that she was unable to challenge it without making people question her past:

*[I]f I start challenging it, will they be like 'ooh what's she hiding?' which, I just can't be bothered getting into [...] I'll just go to another training session.*

There is a similarity here to Rachel's explanation of not being able to enquire about recruitment practices (see above), and it clearly demonstrates how PWCRs often opt-out of opportunities for fear of the interaction spiralling into something more harmful. However, this can have a silencing effect on people, forcing them to quietly accept discrimination and exclusion. Indeed, the silencing nature of self-protection was visible across numerous participant accounts, with several of them discussing having to self-regulate in everyday conversation, unable to express themselves freely with others.

Alice and Rachel expressed this clearly:

*When people say things and make sweeping statements about people with convictions, or about things they see in the news about DBS checks, I wanna' argue back [but] I have to catch myself. And like, when I talk about my own like, teenage years, I have to stop myself which is bizarre cos', like I said, I've come to terms with it, but I know for a fact that other people won't have, and won't in the future.*

Alice

*A friend asked me why I was getting frustrated by [Brexit] cos' if you don't have a record, it doesn't effect anything, and so I had to kind of back off from being annoyed by it cos' I thought, there's not a way I can explain why I'm annoyed about this kind of thing.*

Rachel

Due to this careful self-regulation, Megan, Alice and Rachel each discussed how they remained 'guarded' and had trouble forming close friendships. Indeed, having to 'leave bits out' when discussing their pasts with new partners, colleagues, and friends, effected their ability to connect with others, unable to reciprocate the openness that usually comes with forming close bonds. Rachel explained that this was exacerbated by her social mobility, and that her efforts to improve her life had left her feeling like an 'imposter' in her present-day social circle:

*A lot of the people that I do associate with now, they're not really from the background that I've lived in [...] they've just come from better backgrounds [...] I almost feel like it's a bit of an imposter syndrome sometimes.*

Not being able to relate to others, particularly other 'school mums', Rachel had struggled to develop a sense of community and friendship in her local area.

Alice explained that even after she had developed relationships with people at work, her fear of disclosure left her feeling anxious. Indeed, whilst she worked for an organisation supporting ex-offenders, Alice still feared accidentally 'exposing herself' to her colleagues, appearing deceitful having legally withheld her criminal record when she first started. She reflected on how this might damage the relationships she had formed at work:

*I work in like, a really accepting environment where I know for a fact that other staff have convictions, and I work with people who are now employed by the charity but have convictions themselves, so I know that I'd come against no resistance or like, I wouldn't be shamed [...] but it still fills me with that dread of thinking [...] if I was to say something, would that affect my relationships at work? Would it change people's views of me?*

*It still seems like deceit or lying even though it's - you're legally allowed to! I wouldn't necessarily worry about being judged for having a conviction or a caution, I worry I'd be judged for not telling earlier. I know I can be trusted, and I know I can trust other people at work umm, I feel like that would sort of undermine some of that trust.*

Alice's reflections illustrate the burden of concealment, and shows how complex managing criminal record stigma can be.

These examples demonstrate how PWCRs can become marginalised, silenced, and forced to self-regulate to avoid discrimination and stigmatisation from others. Giving insight into *how* people navigate the stigma of a criminal record, this is an important step towards acknowledging the emotional labour that goes into navigating life with a criminal record. Indeed, an important insight provided by this research was that PWCRs are continually required to respond to disclosure interactions, often unexpectedly, as they transition through the life course. Furthermore, it has shown that stigma management is an every-day practice, not just reserved for bigger disclosure experiences.

*'Making good from the bad': the criminal record as a source of wisdom*

Whilst negative experiences and difficult reflections dominated the interviews, participants were also keen to explain how they had drawn on their past to help others. A creative and agentic strategy for managing their criminal record stigma, this was a key part of defending against the negative connotations attached to being formally labelled as a former offender. Notably, only one participant discussed being open about their criminal record and using it in a formal capacity at work (see below). The rest discussed drawing on their criminal records informally, using their past to inform their work covertly, or using their life experiences to support and mentor those close to them. Recognising how people find ways to 'turn the bad into good' (Martin) is an important part of criminal record research, and this final section will highlight the various ways participants did this.

After serving two, relatively lengthy custodial sentences, Simon – 49, entrepreneur – developed a Community Interest Company (CIC) providing accommodation and training for vulnerable young people, including PWCRs. Promoting the work his CIC was doing and legitimising his position as a knowledgeable service provider with his own lived experience, Simon spoke openly about his past offending on radio shows and social media. This enabled Simon to turn his criminal record into something of value, preventing it from becoming a stigmatising attribute. Whilst Simon did recall facing issues with banking and noted that he was unable to formally act as the director of the CIC, he explained to me in the interview that his criminal record had ‘never stopped [him]’ from achieving his goals. Simon's experiences further illustrate how it is not necessarily those with more serious or lengthy criminal records who experience the collateral consequences of criminal records most negatively, raising questions regarding the necessary and proportionate use of criminal record information.

Other participants also discussed how they drew on their past for ‘good’. Ben volunteered with a criminal justice organisation, believing that his lived experience of alcohol addiction and offending gave him valuable insight which ‘can’t be bought’. For Ben, being entirely open about his past was not a viable option, and he only shared his personal experiences with services users ‘at the right time’. Even more covert, several participants (e.g. Alice, Megan and Jamila) discussed how they used their experiences to understand and support others in the workplace *without* sharing their own personal experiences. For example, Alice explained how her criminal record makes her more understanding:

*It has helped in the weirdest of way like, it's given me that experience, it means I can talk to people that I work with – clients, things like that – and I can share, whether its unspoken or not, some kind of life experience with them. I kind of understand some of the annoyance and fear around things like disclosure, and just how confusing the whole system is.*

Reflecting on her personal life, Alice discussed how she hoped her experiences would make her a better mother, giving her insights that she would not have had otherwise. Unable to establish a career working with young offenders (see above) Martin also discussed how his past was something to draw on in his personal life. He recalled taking one of his nephews to 'visit his friends' in a graveyard to illustrate the danger of drugs and crime, believing his life experiences would be more impactful than a 'lecture'. To him, being 'a good role model' was important, and helped him to 'make good' from his past.

Finally, Sally discussed becoming an advocate for PWCRs due to her recent experience with the US embassy and airport officials in America. Specifically, Sally spoke about tackling the stigma of offending by 'putting a human face' on convictions. Likening criminal record stigma to other forms, Sally explained:

*I used to work in schools and kids would start using inappropriate language to describe people who were gay [...] I would say, 'I find it offensive on a personal level because my brother is gay' and that's the one thing that would stop them in their tracks [...] because the librarian that they liked, respected, and got on with, was suddenly saying, 'I don't like that because you're insulting me'. That had more of an impact than me being a librarian and saying, 'you're not allowed to use that language'. And so, by the same token, I'm putting a human face on a drug offence - 'yes, people do look like me who have taken drugs.' Do you know what I mean? It's that, 'I look normal!' You wouldn't know on the street.*

For Sally, criminal record stigma was like any other, and she explained that her recent experiences had made her 'passionate' about educating people on the unjust treatment of PWCRs.

## Conclusion

Drawing on the life stories of fourteen people, this report has illustrated the highly varied and often unpredictable ways criminal record disclosure can manifest in the lives of PWCRs. Unable to provide an exhaustive account of each participant's life story, the examples provided in this report were carefully chosen to illustrate the range and complexity of experiences shared by participants. Specifically, it has demonstrated how criminal record disclosure can manifest in a range of public and private life domains, sometimes after many years of the record remaining dormant. It has also illustrated the creative and agentic ways people navigate potential disclosure events, negotiating the enduring stigma and discrimination that exists for people who have interacted with the CJS. In doing so, it has demonstrated the toll this takes in terms of time, energy, mental health and life opportunities. Acknowledging the resilience of PWCRs, the final section has provided insight into the ways people can 'use' their criminal records, finding meaning in their adverse life experiences.

As previously explained, whilst the research aimed to focus largely on those with records relating to historical and/or minor cautions and convictions, four of those who took part has served custodial sentences. This gave an unexpected insight into the disproportionate nature of criminal record disclosure showing how, for many of those who took part in this research, there was no relationship between the severity or length of the criminal record, and the severity of the collateral consequences experienced. This highlights the disproportionate and often arbitrary/illogical nature of criminal record use outside of the CJS in England and Wales.

## *Key arguments and recommendations*

Based on the key findings of this research, this report puts forward **five** key arguments and complimentary recommendations:

**1**

The current use of criminal record information exceeds what is just and proportionate, undermining the core principles of fairness and legitimacy which underpin our criminal justice system.

Subsequently, **whilst recent changes to the Rehabilitation of Offenders act and Filtering rules have improved things for PWCRs, greater policy reform is required.**

**2**

The far-reaching and often unpredictable consequences of criminal records deny PWCRs from being restored to full citizenship. This has a wider impact on life opportunities and social identity as they are unable to freely participate in society.

**3**

Criminal record disclosure can expose people to judgement on other parts of their personal lives. This be re-traumatising for those who have histories of trauma and victimisation.

Subsequently, **there needs to be a significant reduction in criminal record dissemination outside of the CJS, and more education is needed for those conducting DBS checks.**

4

Strategies to manage criminal record stigma are complex. The two key strategies explored in this report were:

- a. Self-limiting behaviours to avoid further stigma and discrimination.
- b. Using the criminal record for 'good' and finding meaning in past experiences.

**More research is needed to further understand how people experience and navigate criminal record disclosure.**

5

Living with a criminal record can lead to isolation, and many of those who took part in the research had not been able to speak openly about their past experiences before.

Subsequently, **more needs to be done to provide PWCRs a community of support.**

**Where PWCRs are included in communities and/or research, careful consideration of ethics is required to ensure participation is not experienced as tokenistic or exploitive.**