

Finding out about your criminal record

Disclosing to employers

Why is this important?

- There are over 12 million people with a criminal record.
- You will probably have a criminal record if you have ever accepted an official police caution, pleaded guilty or been found guilty in a criminal court.
- Employers, insurers and others might ask you about details of your criminal record.
- If the information you disclose is not accurate, this could cause you problems at a later stage.
- Many people don't realise what *might* be on their criminal record.
- There was previously a process of 'weeding' and 'stepping down', and there is currently a process of 'filtering' – all of these processes mean that your current criminal record *might* be different to what you *think* it is.

Introduction

- Before you start thinking about how and when to disclose, you need to know what to disclose.
- It's a good idea to know as soon as possible, and before applying for a particular role.
- There are various 'types' of criminal record check. The most common are relating to employment – basic, standard and enhanced checks. You cannot apply for your own standard or enhanced check.
- All these checks use the Police National Computer (PNC) to get details of convictions and cautions.

Ways of finding out about your criminal record

Depending on what type of job you're applying for, there's two ways to find out about your criminal record for disclosure purposes.

1. Basic checks

- a. If you're applying for a job that is covered by the Rehabilitation of Offenders Act 1974, the employer can carry out a basic check. You can apply for this yourself through the Disclosure and Barring Service (DBS).
- b. It costs £21.50 and will show any unspent criminal convictions.

2. 'Subject access request' from the police

- a. If you're applying for a job that is not covered by the Rehabilitation of Offenders Act 1974, the employer may carry out a standard or enhanced criminal record check.
- b. You're unable to apply for your own standard or enhanced criminal record check in advance.
- c. However, under the Data Protection Act, you're able to ask the police for a copy of your criminal record. This is known as a 'subject access request' (SAR). The request is made to the ACRO Criminal Records Office – <https://acro.police.uk/s/acro-services/subject-access>
- d. There is no charge for this, and the police have up to one calendar month to supply it (although it's often much quicker).
- e. The SAR will show all convictions and cautions that are held on the PNC.
- f. This document should only be used to help you understand your criminal record. If you're using it to work out what will be disclosed on a standard or enhanced check, you'll need to use these results to work out if anything will be [filtered](#). Local police records might also indicate what might be considered 'relevant' by the police to disclose as '[police intelligence](#)'.
- g. You should not be required to provide the SAR report to an employer, insurer or other organisation. This is known as an 'enforced subject access' and is a criminal offence.