

Criminal convictions

How and when to tell others

You may have a conviction if you have admitted to or been found guilty of a crime. This factsheet looks at what a criminal conviction is, what a criminal record is, and when and how to tell others. This factsheet is for adults with mental illness in England who have a criminal conviction. It's also for their carers, friends and relatives and anyone interested in the subject.

Key Points.

- You may have a conviction if you have pleaded guilty to or been found guilty of a crime.
- A criminal record has information about your contact with the police.
- Employers, insurance companies and visa applications for going abroad sometimes ask about previous convictions.
- You might not need to tell people about everything that is on your criminal record.
- If you have a conviction, you may only have to tell someone about it for a certain amount of time. After this time, the conviction becomes known as 'spent'.
- If you don't tell an employer about convictions when you should, they might take action. They might later dismiss you or start legal proceedings.

This factsheet covers:

1. [What is a criminal record?](#)
2. [What is a conviction and when does it become 'spent'?](#)
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1. What is a criminal record?

A criminal record contains information about any contact you have had with the criminal justice system. This includes:

- the police,
- the courts, and
- prisons.

A criminal record can include:

- details of any offence you have admitted doing, and
- any offence you have been found guilty of.

The information is held on the Police National Computer (PNC).¹ Each local police force may keep records on their own system.

These records can contain non-conviction information. Including any contact you have had with the police.² This might involve your mental health.

This information is protected by the General Data Protection Regulations (GDPR). The Regulations states how personal information is stored and used. For example, information should be factually correct and should only be used for the reason it was collected.

You can read more about GDPR regulations here: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/data-protection-principles/a-guide-to-the-data-protection-principles>

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2. What is a conviction and when does it become 'spent'?

You may have a conviction if you have:

- pleaded guilty to a criminal offence, or
- been found guilty of an offence.

The following aren't criminal convictions:³

- fixed penalty notices like speed camera fines, littering, petty shoplifting, and
- penalty notices for disorder.

But they will be on your criminal record on police computers.

The Rehabilitation of Offenders Act 1974 says some criminal convictions become 'spent'.⁴

'Spent' means they are ignored after a certain amount of time. This time period is known as the rehabilitation period.⁵

The rehabilitation period will depend on:⁶

- the sentence given, not the offence, and
- how old you were when you were convicted of the offence.

After the rehabilitation period you no longer need to mention your convictions. Even if someone asks you. But there are some exceptions which are in [section 4](#) below.⁷

Prison sentences and community orders have 'buffer periods.' This means the time it takes for the sentence to be spent starts from when your sentence ends. See the [grid below](#) for more information.

Other convictions and penalties don't have 'buffer periods.' This means the time it takes for the sentence to be spent starts from the date you are convicted. See the [grid below](#) for more information.

The table below shows how long it takes for most sentences, orders, or warnings to become 'spent'.⁸

The information in the table only applies to people who are 18 years of age or over. The rules can be different if you are under 18.

Sentence, order, or warning	Becomes spent
Absolute discharge	Instantly.
Attendance centre order	At the end of the order.
Bind over	At the end of the order.
Care order	When order ceases to have effect.
Caution, conditional or youth conditional	After 3 months or when the order ends, whichever is earlier.
Caution, simple or youth Note: Youth cautions replaced reprimands and final warnings	Instantly.
Community order or youth rehabilitation order	Total length of order plus 1 year. Note: If it has no specific end date it will be spent 2 years from the date of conviction or from the date of the order.
Compensation order	When paid in full.
Conditional discharge order	At the end of the order.
Confiscation order	When order ceases to have effect.
Criminal Behaviour Order ⁹ (formerly ASBOs)	At the end of the order.

Disqualifications	When order ceases to have effect.
Endorsements - for a road traffic offence	5 years.
Fine	1 year. Note: The time period is the same even if you are later sent to prison because you didn't pay the fine. Fines because of fixed penalty notices (FPNs) and penalty notices for disorder (PNDs) are not part of your criminal record. So, they are spent immediately.
Forfeiture order	When order ceases to have effect.
Hospital orders under section 37 or 37/41 of the Mental Health Act	The length of the order.
Prison sentence or detention in a young offender institution for 6 months or less	Total length of sentence, including the licence period, plus 2 years.
Prison sentence or detention in a young offender institution more than 6 months and up to and including 30 months.	Total length of sentence, including licence period, plus 4 years.
Prison sentence or detention in a young offender institution more than 2 ½ years and up to 4 years	Total length of sentence, including licence period, plus 7 years.
Prison sentence or detention in a young offender institution of over 4 years or a public protection sentence	Never spent.
Referral order	At the end of the order.
Relevant order, meaning a restraining order or sexual offences prevention order (SOPO)	When order ceases to have effect Note: If it has no specified end date it is spent 2 years from the date of conviction or from the time the order is created.
Reparation order	Instantly
Suspended sentence ¹⁰	The rehabilitation period is based on the length of the prison sentence, not the length it was suspended for. <ul style="list-style-type: none"> • Over 4 years or a public protection sentence - never spent. • More than 2 ½ years and less than, or equal to, 4 years - sentence + 7 years. • More than 6 months and less than, or equal to, 2 ½ years - sentence + 4 years. • Less than, or equal to, 6 months - sentence + 2 years.

3. What is disclosure and why is it important?

Disclosure means telling someone something about yourself. Like you have a conviction.

There are times when you may have to disclose, such as:

- applying for work,
- getting insurance, and
- going abroad.

It can be difficult telling someone about your convictions. This might be harder if you have lots of convictions and have a mental illness.

If you have a criminal record, some employers:

- may not employ you, maybe because of the type of work they do, or
- might treat you unfairly.

But some employers might be happy to employ you.

What can I do if I have been treated unfairly?

You might think you have been treated unfairly by an employer because of a criminal conviction.

If this happens you can get advice from the organisation **Unlock**. Their details are in the [Useful contacts](#) section at the end of this factsheet.

4. When do I have to disclose criminal convictions?

You must disclose if:¹¹

- you are asked if you have any convictions, and
- you have 'unspent' convictions.

But you won't always have to disclose your convictions.

You don't have to disclose if:

- you're not asked about previous convictions, or
- you have 'spent' convictions.

See [section 2](#) of this factsheet for more information on when convictions become spent.

But there are some exceptions which mean you must disclose 'spent' convictions for some jobs. See below.

When do I have to disclose spent convictions?

You must disclose 'spent' convictions if you are applying for a job in one of the following areas.¹²

- Working with children or vulnerable adults
- Healthcare
- National security
- Taxi driving
- Finances
- The law
- HM Courts and Tribunals Service and the Judicial Office
- Employment in law enforcement
- Offices responsible for the enforcement of warrants and writs
- Employment in the financial sector
- Employment where a licence is required to work or operate

This is because these jobs are not covered by the Rehabilitation of Offenders Act 1974.

When do I disclose to an employer?

You might be asked about your convictions:

- on an application form,
- in an interview, or
- after you have been offered a job.

When applying for work you will probably need to do a written application and have an interview.

Should I disclose on an application form?

You might be asked about criminal convictions on an application form.

If the application asks about previous convictions, it might be best to say:

- 'yes – please see the covering letter', or
- 'yes – I'm happy to discuss at interview'.

By including a covering letter, you can explain the situation. For example:

- the circumstances that lead to the conviction,
- details of the offence,
- if being your mental health and being unwell played a part,
- what you've done since in your life, if appropriate, and
- anything else relevant you want to tell the employer.

There are rules on what an employer can ask about your health. An employer should not ask general health questions on application forms.

You can find more information about '**Work and mental illness – Getting a job**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Should I disclose during an interview?

You could talk about your conviction during an interview.

This could help as:

- it might be easier to explain about the conviction and your situation, and
- your employer can ask you questions about it.

But you might find it difficult disclosing in person.

You could write a letter and either read this out or hand it to the interviewer or interviewers.

Do I disclose when they offered me the job?

You might think there is no point in telling an employer about previous convictions until they have offered you a job. They will probably ask you about any previous convictions before this point.

But the employer might ask you about your convictions for the first time when they are offering you a job.

It is important to think about how to tell the employer without risking them withdrawing the offer. You can explain things like:

- the circumstances that lead to the conviction,
- details of the offence,
- if being your mental health and being unwell played a part,
- what you've done since in your life, if appropriate, and
- anything else relevant you want to tell the employer.

What might happen if I don't disclose?

If you don't disclose convictions to an employer and they find out later, the following things could happen.

- They could dismiss you for lying.¹³
- You could face other disciplinary proceedings.
- They could take legal action against you.¹⁴
- If you do not get a good reference, it could make it harder to get a new job.
- If you lose your job for this reason, it may affect your entitlement to benefits.

It is probably best to be open and honest about your history from the start. It can help make the right impression with the employer.

5. How do I disclose my convictions?

You can think about telling the employer that having a conviction doesn't mean that you are:

- risky,
- unreliable, or
- unsuitable for the job.

It is important to focus on the positives, such as your skills and abilities. And remind the employer that your crimes are in the past.

You might want to try the following.

- You can point out if the offence was related to certain circumstances. You might have been very ill at the time. But maybe you have been on a recovery journey and are now in a much better situation.
- Focus on how things have changed. You might have been young when convicted. You have since grown up and now have responsibilities.
- Speak generally. Don't go into detail about the offence. If you have more than one conviction, you could group them together. For example, 'I have 4 offences that are all theft related.'
- Mention anything you have achieved since your conviction. Perhaps you have started a family, got some qualifications, or got some help for your mental health.
- The conviction might not be relevant to the job. Ask the employer to consider you for your ability and not your past.
- Tell the employer if you have been on education or offending behaviour programmes.

If you have spent time in prison, you could tell the employer the following.

- How you have made the most of your time.
- If you got some help for your mental health.
- Say you have decided to find employment rather than returning to crime.
- You have a character reference to show an employer that you are right for the job. You could get this from a professional such as probation officers or healthcare staff.

It is important to remember that if you aren't offered a job, it might not be because of your convictions. So, don't give up trying!

Most employers will give you feedback if you were not successful at interview. You can ask for feedback. You can use it to think about how to do better at your next interview.

Research shows that many organisations: ¹⁵

- have positive experiences of employing ex-offenders, and
- actively try to employ them.

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6. What is a DBS check?

A DBS check is when an employer checks the criminal record of someone applying for a job. DBS stands for Disclosure and Barring Service. They are the service who arrange the check. ¹⁶

Employers can ask for a DBS check if you are applying for a job that would involve a 'regulated activity'.

'Regulated activity' means work with vulnerable groups, such as children or the elderly. ^{17,18}

You can find more information about '**What is a criminal record check? DBS checks and mental health**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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7. Will criminal convictions affect my insurance?

You might be asked about previous convictions when applying for insurance.

You must disclose criminal convictions which are 'unspent' if you are asked about them.

If you have 'unspent' convictions it might affect your insurance.

If you don't disclose 'unspent' convictions there might be issues later, like insurers refusing to pay out on a claim.

The organisation **Unlock** have the following useful information on their website:

- **Insurance and convictions - A detailed guide:**
<https://unlock.org.uk/advice/insurance-convictions-detailed-guide>

Unlock have a list of insurance brokers who specialise in insurance for people with 'unspent' convictions. Their contact details are in [Useful contacts](#) section at the end of this factsheet.

You might complain about insurance company, but still be unhappy at the end of their complaints process. If you are, you can contact the Financial Ombudsman Service (FOS). Their contact details are in the [Useful contacts](#) section at the end of this factsheet.

8. Will criminal convictions affect me going abroad? ¹⁹

Having a criminal record does stop you from travelling abroad, and your passport is not linked to your criminal record.

But The Rehabilitation of Offenders Act only covers England and Wales. It doesn't apply in other countries. This means in other countries your convictions aren't seen as 'spent'.

Some countries have entry restrictions, like the USA and Australia. You may need to apply for a visa to go there. Countries have different entry requirements. So, it is best to check with their Embassy.

The organisation Unlock has information on their website about travelling abroad if you have criminal convictions:

<https://unlock.org.uk/guide/travelling-abroad>.

What if I am currently under licence conditions? ²⁰

You may have been released from prison and are currently on license. You will need to speak to your offender manager at probation to get permission to travel.

Further Reading

You can find more information about:

- What is a criminal record check? DBS checks and mental health
- Prison – Planning for release
- Work and mental illness – Getting a job

at www.rethink.org. Or call our General Enquiries Team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Useful Contacts

Financial Ombudsman Service (FOS)

They can look at complaints about most financial issues, such as insurance, banking, and mortgages.

Phone: 0800 023 4567 (free from mobiles and landlines)

Calls using Relay UK: (18002) 020 7964 1000

Address: The Financial Ombudsman Service, Exchange Tower, London E14 9SR

Email: complaint.info@financial-ombudsman.org.uk

Website: www.financial-ombudsman.org.uk

Foreign, Commonwealth and Development Office

They have information on travel and living abroad.

Phone: 020 7008 5000

Address: King Charles Street London SW1A 2AH

Email: fcdo.correspondence@fcdo.gov.uk;

Website: www.gov.uk/government/organisations/foreign-commonwealth-development-office

Nacro

A charity that supports and advocate for people with criminal records to be able to move on positively in their lives.

Helpline: 01634 247350

Address: Walkden House, 16-17 Devonshire Square, London, EC2M 4SQ

Email: website@nacro.org.uk

Website: www.nacro.org.uk

Unlock

This is an independent charity and membership organisation, led by reformed offenders. Their website has lots of information for ex-offenders.

Phone: 01634 247350

Address: The Helpline, Unlock, Maidstone Community Support Centre, 39-48 Marsham Street, Maidstone, Kent, ME14 1HH

Email: Use website form here: <https://unlock.org.uk/the-helpline/#contact>

Text or WhatsApp: 07824 113848

Website: www.unlock.org.uk

Broken links?

All links to other pages on our website, and other websites, worked when we last reviewed this factsheet. If you notice that any links no longer work, you can help us by emailing us at feedback@rethink.org and we will fix them. Many thanks.

Incorrect information?

All the information in this factsheet was correct, to the best of our knowledge, when we published it. If you think any information is incorrect you can help us by emailing us at feedback@rethink.org. Many thanks.

¹ Unlock. *Criminal record databases - Police National Computer (PNC) – Overview* <https://unlock.org.uk/advice/criminal-record-databases-2> (accessed 3 November 2023)

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- ² Unlock. *Disclosure of police intelligence on enhanced checks (approved information) - What 'local police information' means* www.unlock.org.uk/advice/local-police-information-2/ (accessed 25th October 2023).
- ³ Gov.UK. *Guidance on the Rehabilitation of Offenders Act 1974*. See 'Does the 1974 Act cover cautions, penalty notices for disorder or fixed penalty notices?' www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf (Accessed 2nd June 2023).
- ⁴ Gov.UK. *Rehabilitation periods*. See para 1. <https://www.gov.uk/guidance/rehabilitation-periods> (accessed 22 August 2023)
- ⁵ Gov.UK. *Rehabilitation periods*. See para 1. <https://www.gov.uk/guidance/rehabilitation-periods> (accessed 22 August 2023)
- ⁶ Gov.UK. *Rehabilitation periods*. See para 1. <https://www.gov.uk/guidance/rehabilitation-periods> (accessed 22 August 2023)
- ⁷ Nacro. *Spent and unspent convictions – What are they? – What does 'spent' mean?* <https://www.nacro.org.uk/nacro-services/advice/advice-for-individuals/understanding-whats-on-your-criminal-record/the-rehabilitation-of-offenders-act> (accessed 22 August 2023)
- ⁸ Nacro. *Disclosing criminal records to employers*. www.nacro.org.uk/resettlement-advice-service/support-for-individuals/disclosing-criminal-records/disclosing-criminal-records-employers/ (accessed 2nd June 2023).
- ⁹ Unlock. *Criminal Behaviour Order (CBO)*. www.hub.unlock.org.uk/knowledgebase/criminal-behaviour-order-cbo/ (accessed 2nd June 2023).
- ¹⁰ Unlock. *Suspended prison sentence*. www.hub.unlock.org.uk/knowledgebase/suspended-prison-sentence/ (accessed 2nd June 2023).
- ¹¹ Gov.uk. *Guidance on the Rehabilitation of Offenders Act 1974*. www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf (accessed 2nd June 2023).
- ¹² Gov.uk. *Guidance on the Rehabilitation of Offenders Act 1974*. www.gov.uk/government/uploads/system/uploads/attachment_data/file/299916/rehabilitation-of-offenders-guidance.pdf (accessed 2nd June 2023).
- ¹³ Unlock *Disclosing to employers*. See 2nd bullet point, <https://unlock.org.uk/guide/disclosing-to-employers/> (accessed 25th October 2023).
- ¹⁴ Unlock *Disclosing to employers*. See 2nd Bullet point. <https://unlock.org.uk/guide/disclosing-to-employers/> (accessed 25th October 2023).
- ¹⁵ Chartered Institute of Personnel and Development (CIPD). *Employing ex-offenders to capture talent*. See page 3 - 'Employers' practices and experiences of recruiting ex-offenders' – bullet points 5, 6 & 3. www.insidetime.org/wp-content/uploads/resources/Employment/Emp-ex-off-to-capture-talent_CIPD.pdf (accessed 2nd June 2023).
- ¹⁶ Gov.UK. *DBS checks: Guidance for employers - Overview*. www.gov.uk/guidance/dbs-check-requests-guidance-for-employers (accessed 23 March 2023)
- ¹⁷ Safeguarding Vulnerable Groups Act 2006 Schedule 4 Part 2
- ¹⁸ Disclosure and Barring Service. *Regulated activity with children in England - What is regulated activity?* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739154/Regulated_Activity_with_Children_in_England.pdf (accessed 23 March 2023)
- ¹⁹ Unlock. *Travelling abroad*. <https://unlock.org.uk/guide/travelling-abroad> (accessed 2 October 2023)
- ²⁰ Reg 3 (2) (g) , *The Criminal Justice (Sentencing) (Licence Conditions) Order 2015*. SI 2015/337. London: TSO; 2015.

This factsheet is available in large print.

Rethink Mental Illness Advice Service

Phone 0808 801 0525
Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

Email advice@rethink.org

Did this help?

We'd love to know if this Information helped you

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:
RAIS

PO Box 18252

Solihull

B91 9BA

or call us on 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.

For further information on Rethink Mental Illness Phone 0121 522 7007
Email info@rethink.org



rethink.org



Patient Information Forum

Need more help?

Go to rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on: 0808 801 0525 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to rethink.org/donate or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.



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