

Advising with Conviction

Criminal record disclosure training

Course handout

Endorsed by



Our awards



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Introduction

About this handout

This training handout supports our 'Advising with Conviction' criminal record disclosure training. It contains information and resources that will be used during the course.

Please make notes and write on this handout. **It is yours to keep.**

We hope that it will help you in the future when you are helping those who have a criminal record.

Alongside this handout, you will be provided with additional materials as part of the course, including:

- a copy of the presentation slides
- specific handouts used during the course

About Unlock

Unlock is an independent award-winning national charity that provides a voice and support for people with convictions who are facing stigma and obstacles because of their criminal record, often long after they have served their sentence.

address Maidstone Community Support Centre, 39-48 Marsham Street, Maidstone, Kent, ME14 1HH
helpline 01634 247350 / advice@unlock.org.uk
office 01622 230705 / admin@unlock.org.uk
web www.unlock.org.uk & [@unlockcharity](https://twitter.com/unlockcharity)

Our support for front-line practitioners

For those who help people with convictions

Unlock is an independent award-winning charity providing trusted information, advice and advocacy for people with criminal convictions. This support is funded by charitable grants, trusts and donations. We use websites ([theInformationHub](#), [theDisclosureCalculator](#), [theForum](#) and [theRecord](#)) and run [theHelpline](#).

Ways we can help you

Unlock is not a contracted service-delivery organisation. As a result, we rarely promote 'referrals' to our support as we are limited in how many people we can help directly. Instead, we help those that do provide front-line support to people with convictions. We do this in a variety of ways, including:

1. Providing free use of our information site & resources

[hub.unlock.org.uk](#) is the country's most comprehensive source of practical self-help information for people with convictions, covering a wide range of issues that criminal convictions can affect. You can use this resource for free to keep your own knowledge and understanding up to date, as well as using information and resources from the site when you are providing support to those you're working with.

2. Delivering endorsed criminal record disclosure training courses and workshops

We deliver [training courses](#) that equip you with expert, accurate and up-to-date knowledge and skills on the disclosure of criminal records. These are endorsed by the [Probation Institute](#) and [Institute of Employability Professionals](#). They cover areas including the Rehabilitation of Offenders Act 1974, criminal record checks, and disclosing criminal records (if, when and how). We have specific dates that you can book places at, or for groups we can run sessions in-house.

3. Setting up accounts for our disclosure calculator, [www.disclosurecalculator.org.uk](#)

We can set up 'multiple-use' accounts to our online tool, [www.disclosurecalculator.org.uk](#), enabling you to support your clients to work out when their convictions become spent as part of your offer.

4. Sending out latest news and developments by email - sign up to our mailing list

You can sign up to receive free email updates. These can include latest news, opportunities, press releases and information updates. Visit [www.unlock.org.uk/maillinglist](#).

For more information

Visit [www.unlock.org.uk/helpingpeople](#), call 01622 230705 or email admin@unlock.org.uk

Quiz

1. How many types of criminal record checks are there for employers use?
2. Under the old Rehabilitation of Offenders Act, how long did it take for a 4 month prison sentence to be spent?
3. Under the new Rehabilitation of Offenders Act, how long does it take for a 4 month prison sentence to be spent?
4. What gets disclosed on a standard check?
5. If an individual received a court fine for theft, when would it be removed from their enhanced check?
6. When are cautions deleted from police records?
7. What's the best way for an individual to find out about their criminal record?
8. How much does a basic disclosure cost?
9. Does an applicant legally need to disclose their record to an employer if they're asked?
10. Can an employer refuse to employ someone if they've got a criminal record?

Types of criminal record checks

The main types of criminal record checks for employers

Type	Basic check	Standard check	Enhanced check
Status	Rehabilitation of Offenders Act applies	Not covered by Rehabilitation of Offenders Act	Not covered by Rehabilitation of Offenders Act
Legal name	Criminal Conviction Certificate	Criminal Record Certificate	Enhanced Criminal Record Certificate
Cost	£23	£23 (free to volunteers) + fee of 'Umbrella Body'	£44 (free to volunteers) + fee of 'Umbrella Body'
Issuer	Disclosure and Barring Service		
Who applies	Depends – Individual directly or 'Responsible organisation' for employer	Registered/Umbrella body	Registered/Umbrella body
Where is it sent?	Depends – Can be sent to individual or employer	To the individual	To the individual
What it is for	Any employment or volunteer position (potentially)	Positions exempt from the ROA by virtue of the Exceptions Order	Positions exempt from the ROA and listed in regulations made under Police Act 1997
Types of positions eligible	<ul style="list-style-type: none"> • Government/civil service positions • Working in airports • Office work • Hospitality industry • Retail, supermarkets 	<ul style="list-style-type: none"> • Security industry licence • Solicitor or Barrister • Accountant • Veterinary surgeon • FCA 'approved person' role • Football stewards 	<ul style="list-style-type: none"> • Work with children • Work with vulnerable adults • Primary school teacher • Social worker • Carer • Taxi driving licences
No. per year (approx)	1 million 20% of total checks	250,000 5% of total checks	4 million 75% of total checks
What it discloses	Only unspent convictions	Unspent & spent convictions and cautions (not yet filtered)	Unspent & spent convictions and cautions (not yet filtered)

For more information about these levels of checks, and other types of checks done for specialist areas of work, [search for 'criminal record checks' on hub.unlock.org.uk](http://search.for/'criminal.record.checks'/on.hub.unlock.org.uk).

What criminal record checks disclose

Information	Basic	Standard	Enhanced	Enhanced + Barring
<u>Unspent convictions</u>	Yes	Yes	Yes	Yes
<u>Spent convictions</u>		Yes (unless filtered)	Yes (unless filtered)	Yes (unless filtered)
<u>Cautions</u> (reprimands & warnings included)		Yes (unless filtered)	Yes (unless filtered)	Yes (unless filtered)
<u>Police intelligence</u> (‘approved’ information)			Yes (if police deem relevant)	Yes (if police deem relevant)
<u>Inclusion on Childrens’ Barring List</u>				Yes (if specified)
<u>Inclusion on Adults’ Barring List</u>				Yes (if specified)

What a criminal record looks like on paper

For each conviction/caution disclosed on a criminal record check, it states the court, date of conviction, offence (statutory reference) and sentence/disposal. This is ‘factual’ information – ‘descriptions’ are not included.

On all types of checks, the information is taken directly from the Police National Computer. The only exceptions to this are:

1. some information on enhanced checks - police intelligence can come from local police records, and,
2. barring list information (which comes from the DBS).

For more information, [search for ‘what criminal record checks disclose’ on hub.unlock.org.uk](http://hub.unlock.org.uk).

How individuals can find out about their criminal record

- Before advising individuals when/how to disclose, you need to know what they should disclose.
- It's a good idea to know this as soon as possible, and before applying for a particular role.
- The most common 'types' of checks are relating to employment – basic, standard and enhanced checks. However, 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.

Depending on what type of job they're applying for, there are two different ways to find out;

1. Basic check

- If they're applying for a job that is covered by the Rehabilitation of Offenders Act 1974, the employer may carry out a basic check. The individual can apply for this themselves from the Disclosure and Barring Service. See www.gov.uk/request-copy-criminal-record.
- It costs £23, and will show any unspent criminal convictions.
- For more details, [search for 'basic disclosures' on hub.unlock.org.uk](http://hub.unlock.org.uk).

2. 'Subject access request' from the police

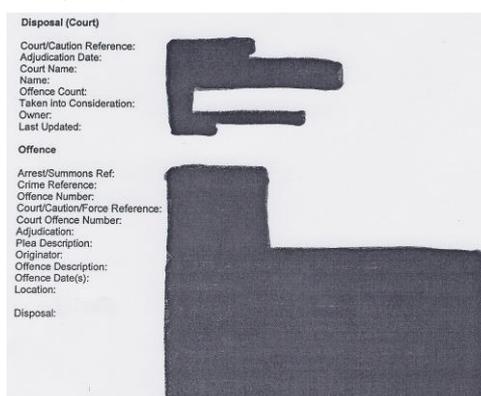
- If they're applying for a job that is not covered by (often called 'exempt' from) the Rehabilitation of Offenders Act 1974, the employer may carry out a standard or enhanced criminal record check.
- They're unable to apply for their own standard or enhanced criminal record check in advance.
- However, under the Data Protection Act, they can ask the police for a copy of their criminal record. This is known as a 'subject access request' (SAR).
- There is no fee for this (don't assume it's best because it's free!), and the police have up to 30 days to supply it (although many do it quite quickly). For more details on how to apply, [search for 'police records' on hub.unlock.org.uk](http://hub.unlock.org.uk).

Application form



The screenshot shows the NPCC ACRO Criminal Records Office website. The main heading is 'ACRO Criminal Records Office'. Below it is a navigation bar with links: Home, About, Services, Publications, Contact, News. A progress bar shows 'Personal Information' as the current step, followed by Contact Details, Address History, Delivery Options, Additional Information, Proof of Identity, and Summary. The 'Step 1 - Personal Information' section includes fields for Title, Surname/family name, Forename(s)/given name(s), Previous name(s), Date of birth (with dropdowns for Day, Month, Year), Place of birth (with dropdowns for Village/town, Country), Gender (Male, Female, Intersex), and Height (with dropdowns for Feet/Inches, Metres/Cms). A 'Go to Step 2' button is at the bottom.

Sample of results



The screenshot shows a sample of criminal record results. The fields listed are: Disposal (Court), Court/Caution Reference, Adjudication Date, Court Name, Name, Offence Count, Taken into Consideration, Owner, Last Updated, Offence, Arrest/Summons Ref, Crime Reference, Offence Number, Court/Caution/Force Reference, Court Offence Number, Adjudication, Plea Description, Originator, Offence Description, Offence Date(s), Location, and Disposal. Large black redaction boxes cover the values for Name, Offence, and Location.

Rehabilitation of Offenders Act 1974

What will be disclosed on a basic DBS check?

Basic checks can be carried out by any employer as part of their recruitment process. They can also be required as part of an insurance claim. For more information, [search for 'basic disclosures' on hub.unlock.org.uk](http://hub.unlock.org.uk).

Types of roles that commonly require them

Supermarkets, delivery companies, and specific areas such as the airport industry and alcohol licences.

What they disclose

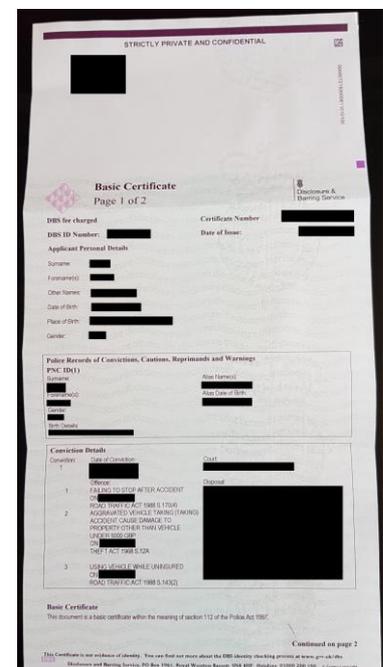
- 'Unspent' criminal records
- For each, it discloses the date of conviction, the court, the offence committed, the date of the offence, and the sentence received.

What they don't disclose

- 'Spent' criminal records, fixed penalty notices, allegations

How they work

- An individual can apply, or the employer can apply on their behalf (with the individuals' consent)
- They cost £25 and are issued by the DBS in England & Wales.
- If all convictions are spent, the disclosure will come back 'blank'



How to know whether convictions are spent

This is worked out by the Rehabilitation of Offenders Act 1974 – see the table below. For more detail, [search for 'Rehabilitation of Offenders Act' on hub.unlock.org.uk](http://hub.unlock.org.uk) or visit www.disclosurecalculator.org.uk.

Sentence/disposal	Adult	Under 18
Prison: Over 4 years	Never spent	Never spent
Prison: Over 30 months, less than (or equal to) 4 years	Sentence + 7 years	Sentence + 3 ½ years
Prison: Over 6 months, less than (or equal to) 30 months	Sentence + 4 years	Sentence + 2 years
Prison: Less than (or equal to) 6 months	Sentence + 2 years	Sentence + 18 months
Community order	Order + 1 year	Order + 6 months
Fine	1 year	1 year

When is it spent? Multiple convictions exercise

	First	Second	Third	Fourth
Jan-13				
Feb-13				
Mar-13				
Apr-13				
May-13				
Jun-13				
Jul-13				
Aug-13				
Sep-13				
Oct-13				
Nov-13				
Dec-13				
Jan-14				
Feb-14				
Mar-14				
Apr-14				
May-14				
Jun-14				
Jul-14				
Aug-14				
Sep-14				
Oct-14				
Nov-14				
Dec-14				
Jan-15				
Feb-15				
Mar-15				
Apr-15				
May-15				
Jun-15				
Jul-15				
Aug-15				
Sep-15				
Oct-15				
Nov-15				
Dec-15				
Jan-16				
Feb-16				
Mar-16				
Apr-16				
May-16				

When is it spent? Working out spent dates

For the purposes of this exercise, treat all examples as being over 18 at the time of conviction.

Example 1

Simon was convicted of robbery in October 1998 and sentenced to 1 year in prison

Example 2

Karen was convicted of fraud in December 2002 & given 3 years in prison

Example 3

Carl was convicted in January 2010, but not sentenced until March 2010. He was given a £150 fine and ordered to pay £200 in a compensation order.

Example 4

Ian was convicted in April 1994 at a Crown Court and sentenced to 7 months in prison. He was also given a fine in July 2000 at a Crown Court.

Example 5

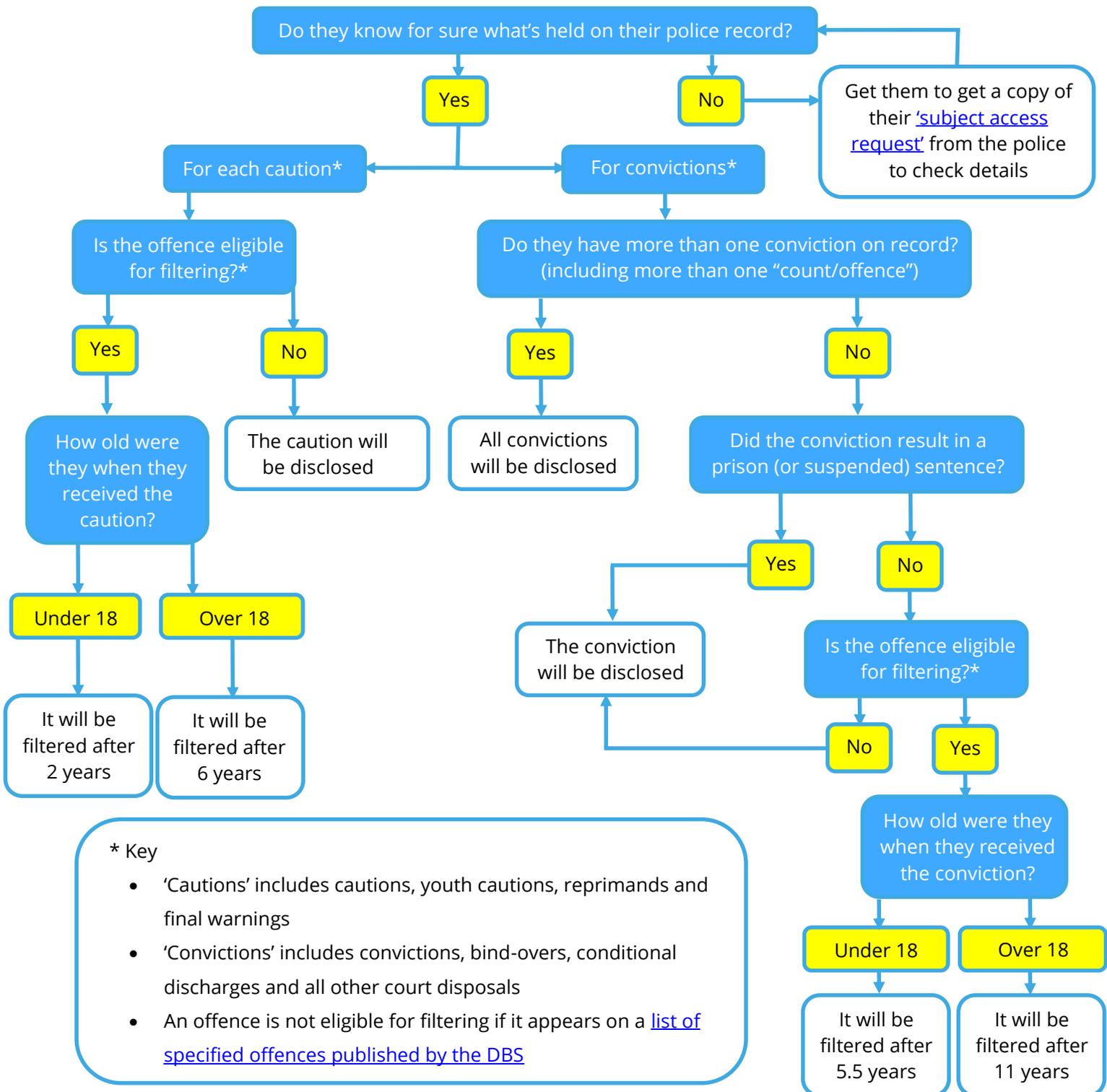
Paul was convicted of arson in October 2000 and sentenced to 1 year in prison and then again in June 2004 and sentenced to 4 years in prison

Example 6

Laura was convicted of theft in June 2004 and was sent to prison for 4 months. In April 2006, she was convicted of common assault, a summary offence, and given a fine.

Standard/enhanced DBS checks

Flowchart - What will be filtered?

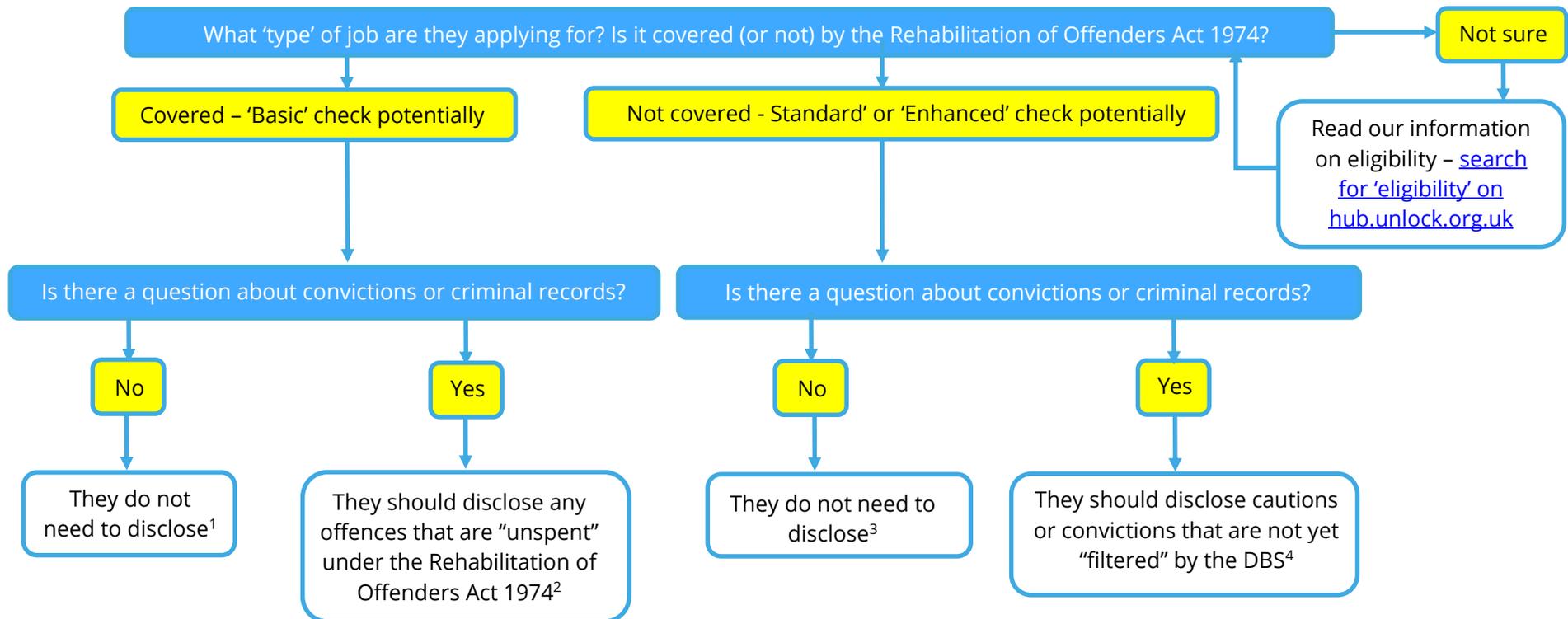


- * Key**
- 'Cautions' includes cautions, youth cautions, reprimands and final warnings
 - 'Convictions' includes convictions, bind-overs, conditional discharges and all other court disposals
 - An offence is not eligible for filtering if it appears on a [list of specified offences published by the DBS](#)

For a detailed guide on filtering, visit hub.unlock.org.uk/filtering.



Legally, need to disclose?



- 1 However, it's worth considering this practical situation a bit further. See our ['to disclose or not to disclose'](#) information.
- 2 See our information on how to work out whether offences are 'spent'. You can also visit www.disclosurecalculator.org.uk.
- 3 However, these roles are more likely to still do a 'check' later in the recruitment process. See ['to disclose or not to disclose'](#).
- 4 See our separate information on how to establish [whether something will be 'filtered' by the DBS](#).

To disclose or not to disclose

When might someone disclose even if they're not asked?

When might someone not disclose even if they are asked?

What if they're asked to disclose and they don't....

Pro's	Con's

When & how to disclose to employers

Find out more about disclosing on our self-help information site – visit hub.unlock.org.uk/disclosure

When to disclose?

Work with the employer's process – “Disclose when asked”

Different employers recruit in different ways, so the point that you get asked about your criminal record may not be the same for every job that you apply for. Your first step should be to understand the employer's process as best as you can, so you can make an informed decision. Check their application form or recruitment policy - does it say anything about if or when they ask about criminal records?

Generally, it's best to disclose at the earliest stage required (i.e. when you get asked), because that's when they've asked (so that's when they're expecting to be told) and you won't feel like you're 'hiding' something. However, there are some exceptions to this. For example;

1. **'We do checks'** – If an employer indicates that they'll be carrying out a formal criminal record check, they should ask you to disclose before they do the check, but not all do. In this situation, we'd always advise that you disclose **before** the formal disclosure is carried out.
2. **'Tick-boxes and waiting until interview'** - Many employers have a 'tick-box' on their application form. We encourage employers to 'ban the box' but many still ask in this way. Some people prefer to 'tick no' and disclose at a later stage when they believe they'll get a chance to explain. This has the downside of effectively 'lying' to the employer on the application form. It's also unlikely to be a sensible step for people on licence, on probation or who are barred.

CV's and covering letters

Many jobs ask for a CV and a covering letter. A CV is designed for you to sell yourself as the best person for the job – you shouldn't normally include any information about your criminal record on your CV. If you have gaps due to time in prison, you could say that you were 'unavailable for work', or if you completed qualifications inside, list these instead. However, you must be prepared to honestly explain what you mean by 'unavailable for work' if you get asked.

Choosing whether to disclose in writing or in person

Often, how you disclose will come from how the employer asks. If possible, tell the employer in the way that you feel most comfortable with. This will depend on how you feel about talking and/or writing about your criminal record. It might also depend on the nature of your convictions and the type of job you're applying for. Usually, the employer's policy will lean you towards a certain way. Either way, we recommend that you provide the employer with the brief factual details of your criminal record in writing *at some point* during the recruitment process, so that you have evidence of what you've disclosed - keep a copy of this for your own records too.

Preparing to disclose

If an employer wants to know about criminal records, they will normally ask you to disclose in a certain way; this might be at interview or after they've made a conditional offer. Some employers ask on their application form. Where possible, we suggest that you disclose your record face-to-face; this tends to be most effective. Prepare a self-disclosure statement; this should help. Address any concerns you think they may have but stay positive and don't concentrate solely on the negatives of a conviction.

Think like an employer - Prepare for questions

However you choose to disclose, you should be ready for extra questions that the employer might have. The questions below are ones that employers often ask, so think about how you'd answer them;

1. Can you tell me about your criminal record?
2. Why did you commit the offences?
3. Was there anything happening in your life at the time?
4. How can I be sure you're not a risk?
5. What steps have you taken to change your ways?
6. How is your life different now?

Write a self-disclosure statement

Before applying for jobs, we advise that you write down the details of your criminal record. We refer to this as a '**self-disclosure statement**'. This might be sent with your application if they ask a question about convictions, or you might use it when disclosing in person. However, it can be hard to communicate feelings and emotions in writing. Generally, you should:

1. **Keep it short** - It should be no more than one side of A4.
2. **Personalise it** - It needs to be tailored to the specific vacancy. Your criminal record may be more relevant to some jobs than it is to others. Don't copy 'templates'. The best and most effective disclosures are those that are written by you personally and are genuine. We have some examples on our information site.
3. **Keep it simple** - Write it so that people with no experience of criminal records can understand it.
4. **Structure it** - This will depend on what you think works best for you, but generally;
 - a. Start with something positive, like why you're applying for the job and what skills and experience you bring to the role
 - b. Next, explain your convictions (see below)
 - c. Finally, finish with a strong and positive closing statement. You should offer the names and contact details of people who can vouch for you and your suitability.
5. **Get support** - If you struggle, get help. Probation staff, employment advisors and family members can help. Get somebody you trust to check it over, but make sure you write it in your own words.

Explaining your convictions

The most important part of a self-disclosure statement is explaining your convictions. Make sure that you relate to the job that you're applying for. You need to try and put yourself in the employer's shoes – they'll be making a judgement based on the information you provide. So, make sure you explain:

1. **When you committed the offence** – If the offence happened a long time ago (even if the convictions were quite recent) then highlight this.
2. **The number** – If the offence was a one-off and out of character, this is important to point out. If you committed a number of offences over a period of time, try to group them. For example; "between 2004 and 2007, I was convicted four times for theft-related offences".
3. **How relevant the offences are** – If the offences are not particularly relevant to the role in question, explain this. Offence categories can include a wide range of behaviour which can make it difficult for employers to judge whether the offence is relevant to the job. For example, "theft" could be stealing a 50p chocolate bar, or £20,000 from a bank. Tackle any issues with your record which you think might be relevant to the role. For example, if your offence was violence-related and you're applying to work with children, refer to any recent experience you have.
4. **How serious they were** – Some offences sound more serious than the circumstances were. This is usually shown in the sentence that was received, so if this is the case, highlight that.
5. **The circumstances then** – If there were specific circumstances which led to your offending, explain these. For example, you may have been homeless at the time that you stole from a supermarket. This kind of information can help the employer to better understand.
6. **How you've taken responsibility** – When explaining the circumstances, be careful not to let these reasons come across as excuses. Employers generally look for people who are taking responsibility. If you took responsibility for the offence – for example, by admitting it to the police when they arrested you – then you should make this clear to the employer.
7. **How your life is different now** - Whatever the reasons that led to your offences, you should explain how you've addressed these, to reassure the employer that you won't be repeating them again in the future.
8. **Why you don't think you're a risk** – The employer may have concerns, or think they are taking a risk. You need to explain yourself and reassure the employer.

How to disclose

Disclosing on an application form

The 'ban the box' campaign encourages employers not to ask about criminal records on application forms but instead leave it until later in the process. See who's signed up by visiting unlock.org.uk/banthebox. However, many employers still have a section about criminal records.

Even if you're asked at this stage, you might choose to be careful what you disclose. Some will just have a 'tick-box', whereas others might have space to explain. The question will also often vary. Generally, we advise against disclosing specific details on application forms. Instead, you could:

1. State on the application form that you're sending a self-disclosure statement.
2. Write on the application form **"Yes - happy to discuss if selected for interview"**. Withholding details until interview might give you the chance to explain face to face, although if it's clearly minor or irrelevant, you could state this; e.g. *"Motoring fine 30 years ago"*.
3. Do the same as number 2, but also explain what it's not.
4. Not disclose and wait until interview – see 'when to disclose' above for more details.

Disclosing in writing

If you're asked to provide details at application, you might choose to send a copy of your self-disclosure statement alongside your application. We wouldn't normally advise this, but if you do, make sure that you:

1. **Send it to the right person** - If you're not sure who this is, then ask. Send it in a sealed envelope marked 'confidential'.
2. **Keep a copy** - This is useful as evidence of what you've disclosed.
3. **Offer to meet with them** - You should offer to have a face-to-face discussion to discuss any concerns that the employer might have.

Disclosing in person (at interview or after job offer)

You need to be prepared to talk about your criminal record at interview;

1. If you've not been asked as part of the initial application process, you might be asked at interview.
2. If you mentioned your criminal record in your application, you might be asked for more details at interview.
3. If the application form did ask but you chose not to disclose it through fear of being automatically rejected, you'll need to make sure that you proactively raise this at interview (and you'll need to explain why you didn't disclose it on the application form)

Some employers don't ask about criminal records at interview. Some employers wait until after the job offer to ask. This is something that we recommend as good practice. If this applies, they will hopefully make this clear in their recruitment policy.

Disclosing in person – Top tips

Many people feel most comfortable disclosing face-to-face. In our experience, this is what works best for individuals to explain and employers to understand. Whether at interview or a later stage:

1. **Prepare** - This will help you to reduce the chances of being caught off-guard by a question about your criminal record, or gaps in your employment history for when you were in prison. Make sure you know the details of your criminal record inside out. Hesitation or vagueness may make you look dishonest. Take your self-disclosure statement with you so that you have the facts written down. You might want to have a simple summary of factual information that you can offer to leave with the employer. Think like an employer – prepare for questions that they might ask.
2. **Practice** - Do some role-plays or a trial-run beforehand with someone you trust.
3. **Be proactive** - If you were asked at application, we suggest you proactively mention at interview what you put on your application. This shows initiative and helps to avoid problems later down the line. For example, you might say: ***“As you saw on my application form, I have a criminal record. If you have any questions for me, I would be happy to discuss them, as I’m keen to address any questions or concerns that you may have”***. Even if it doesn’t come up at interview and you weren’t asked at application, you might choose to bring it up if you think it’s your best chance to explain.
4. **Keep it simple** - Make sure you keep your explanation simple and focused - don’t babble. Watch the interviewers’ body language to judge the right level of detail. There’s always a risk that you let your criminal record dominate the interview.
5. **Relax** - It’s difficult to be relaxed in any interview. Try not to come across as being defensive.
6. **Don’t be embarrassed** - Almost one in four people of working age have a criminal record. Employers are likely to have experienced criminal record disclosures before.
7. **Be honest** - Answer questions directly and honestly. Make sure you disclose all that you need to.
8. **Be positive** - Try not to focus entirely on the negative results of your record. Talk about what you’ve learnt and how you have become a better person as a result. Show that you have the right skills and experience for the role.
9. **Provide supporting information** - If you’re able to, back up things that you say with details from others. For example, you can often get confirmation that you’ve completed your community service, a letter from your probation officer and sometimes get copies of pre-sentence reports and sentencing remarks. We normally advise against providing a copy of your formal criminal record - if the employer needs one, they will usually apply for it (with your consent) after they’ve offered you the job.
10. **Leave a written record** - Provide the employer with a written record of what you’ve disclosed. This can be your self-disclosure statement or it might just be brief factual records. It might not necessarily be the people interviewing you that will make the ultimate decision, so having something in writing to hand over might come in useful.

Notes