



Ministry
of Justice

Disclosing your criminal record



A criminal record isn't a barrier to finding stable employment and having a positive future. But it's important to understand your criminal record and whether it affects the jobs you can apply for.

Do I need to tell employers about my conviction?

Telling an employer about your conviction depends on whether it's 'spent' or 'unspent', and the type of job you're applying for.

Is my conviction spent or unspent?

Most convictions or cautions become spent after a specific amount of time, known as the rehabilitation period. This might be straight away, in a few months or in several years, depending on the type of sentence you received.

Rehabilitation periods apply from the end date of the sentence (including the licence period).

A spent conviction or caution means:

- it won't show up on **basic** DBS checks
- it will only show up on **standard** or **enhanced** DBS checks
- you don't have to disclose it when applying for **most** jobs

An unspent conviction or caution means:

- it will show up on **all** DBS checks
- you **have to** disclose it if employers ask you – not disclosing when required is a criminal offence
- you don't have to disclose it if you're not asked

Rehabilitation periods

Sentence	Adults	Under 18s
Adult community order	The length of the order	N/A
Youth rehabilitation order/ Referral order	N/A	The length of the order
Custody of less than 1 year	1 year	6 months
Custody of between 1 and 4 years	4 years	2 years
Custody of more than 4 years*	7 years	3.5 years

*Excluding serious violent, sexual and terrorist offences, which will never be spent



How do I tell an employer about my conviction?

Some people prefer to tell employers verbally in person, so they can explain what happened and how things have changed.

Others prefer to tell employers in writing using a disclosure letter.

When do I tell an employer about my conviction?

It will be different for each job, but disclosure often happens at the interview stage.

You should tell employers about unspent convictions when asked, as they prefer it that way and it helps your own peace of mind. If they have concerns, it's better to know early on.

Make sure you mention what you've learnt since your conviction to show how you've developed as a person and how your situation has changed.

Do I need to pay for a DBS check?

Often, the employer will pay for a DBS check.

Only employers can apply for standard and enhanced DBS checks. If you're self-employed and want to apply for a basic DBS check, you'll have to pay for it yourself.

How can I find out more?

Speak to your youth justice worker or your resettlement practitioner.

You can also contact the charities Nacro (0300 123 1999) or Unlock (01634 247350). Both provide advice on employment for people with convictions.