



Ministry
of Justice

Disclosing your criminal record



A criminal record isn't a barrier to finding stable employment and having a positive future. Attitudes are changing and lots of companies actively employ people with criminal records.

But it's still 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.



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

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

Is my conviction spent or unspent?

Check if your conviction or caution is spent or unspent on GOV.UK.

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).

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



My conviction is unspent

You must tell an employer about unspent convictions if they ask you. Failure to disclose when asked could get you into trouble and you might end up losing the job.

You may feel uncomfortable talking about your conviction but around 1 in 4 people of working age in the UK have a criminal record, so it's likely the employer has experienced criminal record disclosure before.

My conviction is spent

You don't need to disclose spent convictions when applying for most jobs but for some jobs (like working with children and vulnerable adults, or in positions of public trust), the employer must carry out a standard or enhanced DBS check. These checks may show both spent and unspent convictions.

In this case, you should consider telling the employer about any spent convictions so the information you give them matches what they'll see on your DBS certificate.

Find more information about [disclosing spent convictions](#) on GOV.UK.



How do I tell an employer about my conviction?

Often, how you choose to tell an employer depends on personal preference and circumstances.

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 statement. You can get someone to check the letter before you send it and keep a copy to remember what you've disclosed.

Find more information about [preparing a disclosure statement](#) on Unlock's website.



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 any unspent convictions when asked. This is for two reasons: they prefer it that way, and it helps your own peace of mind. If an employer has concerns about your criminal record, 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 or organisations 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.

Find more information and [request a basic DBS check](#) on GOV.UK.

How can I find out more?

Speak to your youth justice worker or your resettlement practitioner.

You can contact the charities [Nacro](#) or [Unlock](#). Both provide support and advice on employment for people with convictions.

