



## Telling an Employer about Criminal Records: A guide for ex-offenders

Welcome to Business in the Community's guide to disclosing criminal records for the purposes of employment.

This guide is written specifically for (ex) offenders and provides practical advice about your rights and responsibilities when applying for work.

Approximately 20% of people of working age have a criminal record but it need not be a barrier to getting work if you tell employers about it in the right way. Many employers will consider recruiting (ex) offenders and this guide takes you through the process of disclosure.

### What can I find in this guide?

This guide provides the information you need to know about telling an employer about your criminal conviction(s) from application to interview:

1. Questions & Answers – important information
2. Understanding your convictions
3. Application stage
4. Interview stage
5. Other useful information
6. The Rehabilitation of Offenders Act
7. About Business in the Community

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### Questions & Answers - Important information

#### Can I get hold of a copy of my criminal record?

Yes. This is very helpful if you are unsure if you have a criminal record or if you would like to find out what's on your criminal record. You have rights under the Data Protection Act which allow you to ask the police for a copy of your criminal record. This right is often called "subject access".

You usually need to pay a fee of £10-£12 and you should get your record within 40 days. You cannot ask for another person's record.

#### What is a criminal record?

If, at any point in your past, you have been in trouble with the police, it's possible that you have a criminal record.

If you have been found guilty, or pleaded guilty in a court, you *will* have a criminal record.



**For the purposes of employment, you have a criminal record if:**

● **You have ever received an official caution.**

Cautions are usually issued in a police station for minor offences where the offender admits guilt. Cautions for people aged 17 and under are called reprimands and final warnings. As this guide will explain, in many cases, you won't need to tell employers about cautions, reprimands or final warnings.

● **You have ever been found guilty by a court.**

For some minor offences, for example, driving without MOT/ tax/ insurance you might not have actually attended court in person, but you should have received paperwork from the court providing details of the offence(s).

**For example:**

*Rupert Bear got into trouble with the police when he was 18 when he went through a phase of stealing cars. The first time he was caught, he got a caution from the police – this is the first item on his criminal record. The second time around he was found guilty in a magistrates court and received a fine and a community order with unpaid work. This will also be on his criminal record.*

**You do not have to tell your employer about:**

- Fixed penalty notices. These are fines which you can get through the post or on-the-spot for minor offences such as: speeding, drunk and disorderly, shoplifting etc.
- Civil court proceedings. This could be for bankruptcy, divorce or custody proceedings
- Informal police warnings (if this did not lead to a caution).
- Anti-Social Behaviour Orders (ASBOs).  
Receiving an ASBO does not result in you having a criminal record. But if you breach an ASBO this may lead to a criminal record.

**What do I do if an employer tells me they are going to carry out a Criminal Records Bureau check?**

If your employer applies for a check, the CRB will give your employer a certificate and you will also get a copy. This will list any offence(s) for which you have been cautioned or convicted. The list will show the dates of any offences and the punishment you were given.

The guidance issued by the CRB says that employers using CRB checks should not have a complete ban on employing (ex) offenders. So if you have told the employer about your past and the CRB check broadly confirms the information you gave, you may still be offered the job.

**Jobs that require a CRB check by law**

If you are applying for a job (paid or unpaid) which needs a CRB check by law, you should tell your employer upfront about all previous cautions and convictions (even if they are from a very long time ago). These are almost certain to appear on your CRB certificate.





Only some jobs legally require a CRB check. In short, these jobs are:

- Positions where you would have regular access to children under 18 and/or vulnerable people. This does not include serving children/vulnerable people in a general retail or food environment.
- Positions requiring a taxi licence.
- Regulated security positions e.g. door supervisors.
- Medical and legal professionals.
- Police, prison and probation officers.

A CRB check is the employers' way of safeguarding the vulnerable people that the organisation serves. A full list of jobs that require a CRB can be found in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

In some cases, employers will want to carry out CRB checks even if the job is not in the list above – it should not happen but it does. Sometimes this is because there is a chance that their employees might come into contact with vulnerable adults or children.

### **Jobs that do not legally require a CRB check...**

Most jobs do not need a CRB check, for example, most jobs in shops, factories, retail and food outlets, office jobs etc. For these jobs, you only need to tell employers about any conviction(s) that are “unspent” and you do not need to disclose cautions.

If an employer does not mention a CRB check it is unlikely that they will be carrying out one.

### **Can I refuse a CRB check?**

If an employer has said that they are going to do a CRB check, we strongly advise you to disclose your previous convictions. If your employer feels a CRB is needed for the role and you refuse to complete the check, your application is unlikely to be considered further.

If you believe that a CRB check is being asked for when the role does not require it, you can mention this to the employer. But evidence suggests that, unfortunately, it is very difficult to stop employers doing CRB checks.

You can speak to Nacro for more advice on this matter.

### **What happens if I don't tell an employer about my criminal record?**

Employers will always do a CRB check for jobs that require them by law. If you are applying for jobs in these areas and you do not disclose your convictions, you will not be selected for employment.

If you are applying for any other job you only need to disclose “unspent” convictions if your employer asks for this information - you do not need to tell them otherwise.



But if you do not tell the truth about your criminal record when you are asked,



and your employer finds out about it at a later date, you may be fired and could even be prosecuted.

The next section will help you to understand your convictions and when they are “unspent”.

### Understanding your convictions

Convictions are “unspent” for a certain number of years after the date of conviction. Once this time period is over, convictions are “spent” and do not need to be disclosed to employers (unless the job is one which requires a CRB check – see above).

The number of years it takes for a conviction to become “spent” is specified by the Rehabilitation of Offenders Act 1974. The time it takes before a conviction becomes “spent” is determined by the punishment given for an offence (not by the name of the offence). This time period is known as the “rehabilitation period”.

See page 10 for a table showing the number of years it takes for a conviction to become “spent”.

### What do I need to know about the Rehabilitation of Offenders Act?

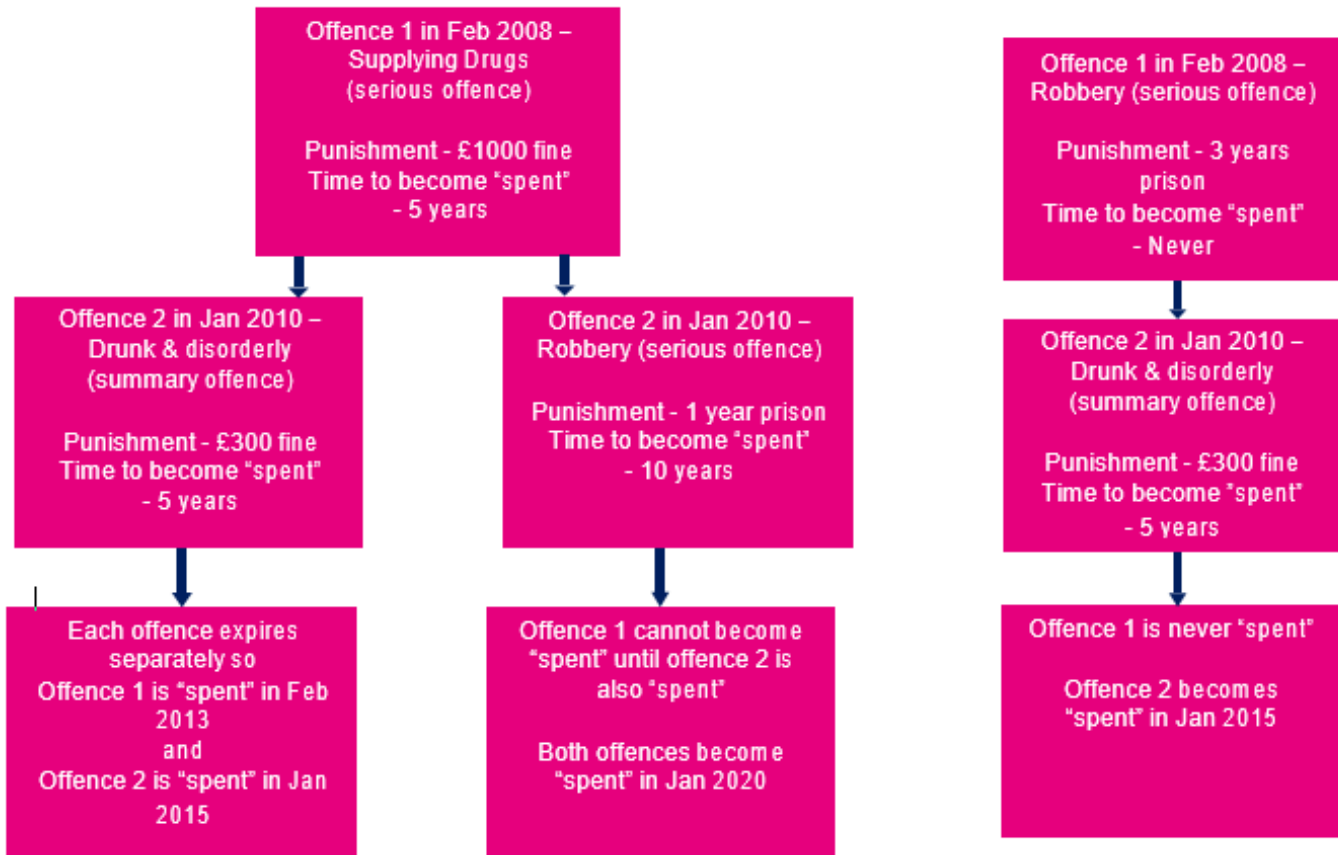
- Prison sentences of longer than 2 ½ years can never become “spent”.
- For prison sentences, the time it takes for a conviction to become “spent” depends on time sentenced, not the time served in prison.
- The length of time for convictions to become “spent” depends on whether you are under or over 18 years old.
- Cautions are “spent” immediately upon being issued.

### What if I have more than one conviction?

- If a conviction is “unspent” and you re-offend by committing a “summary offence”, this will not affect the rehabilitation period for the other offence; each conviction will be treated separately and the time period for one offence to become “spent” won’t be changed by the other offence. A summary offence is a minor one that can only be tried in a magistrates’ court.
- However, if the second offence is a serious one, then neither conviction (even if the first one is for a minor offence) will become “spent” until both rehabilitation periods are over.



- If the first conviction leads to a prison sentence of more than 2 ½ years, later minor convictions will become “spent” separately. For example, if you receive a three-year sentence and later receive a fine for a minor offence, the conviction for the prison sentence will always have to be disclosed, but the fine would only have to be disclosed for five years.



**Examples – adult’s criminal record (for people aged over 18)**

In the examples above, you would have to tell your employer – if asked – about your criminal record until your conviction(s) are “spent”. If your conviction will never be spent, you will always have to tell an employer about it, if they ask.

Don’t forget, these examples don’t apply where your job requires a CRB check – here you should tell you employer about your whole criminal record even if your offences are from a very long time ago.



## More examples

1. Miss Piggy, aged 21, was convicted of burglary in 2010. She was given a three month prison sentence. She is now applying to work as an assistant chef in a pizza restaurant. If her employer asked about her criminal record, she would have to tell them about this conviction until 2017 as it takes seven years to become “spent”. If Miss Piggy was applying to be a care assistant in a residential home for the elderly, she would always need to tell the employer about the conviction as details of it would appear on the CRB certificate.
2. Kermit the Frog, aged 20, was convicted in June 2010 of possession with intent to supply a class B drug. He got a two year prison sentence. In August 2011, he was convicted again of the same offence and got the same punishment. Neither of these convictions can become “spent” until August 2021 because Kermit re-offended during the period when the first conviction was “unspent”. So Kermit would have to tell an employer about all his offences until 2021.
3. In May 2009, Fozzie Bear, aged 18, was convicted of handling stolen goods. He got a community order with unpaid work. In July 2010, he was convicted of the same offence and ordered to pay a fine and complete further unpaid work. In October 2011, he was convicted of the same offence for a third time. This time he was given a 12 month prison sentence. None of Fozzie’s convictions can become “spent” until October 2021 because he re-offended during the periods when both the first and second convictions were “unspent”.

## When and how should I tell my employer about my criminal record?

You need to tell an employer about your criminal record either because:

- The employer has told you they will do a CRB check or
- You have “unspent” criminal convictions **and** your employer has asked for information about your criminal record. Remember an employer may ask you about your offences in writing or by talking to you.

So you now need to think about when and how you’re going to tell your employer.

Business in the Community’s experience of working with employers shows that they prefer it if ex-offenders disclose during the recruitment process when asked rather than later.

The next two sections will give you hints, tips and examples for when you are disclosing convictions in applications and interviews.



## Application stage

Application forms often ask for information about “unspent” criminal records. You may come across the question “Do you have any unspent criminal convictions?”

Information on pages 3 and 4 and the table on page 10 will help you to establish whether or not your conviction is “unspent”. Remember to check this carefully so you only tell them about the “unspent” ones.

Often application forms only give you a small space in which to write about your criminal record. It is best to try to give employers some detail about the circumstances of your offending so that they have better information to help them make a decision about whether you're right for the job.

It is a good idea to write a covering letter to go with your application form so you can tell them more. The employer will appreciate the extra information and having your convictions fully explained.

If there is no application form and you are asked to submit your CV, it is also recommended that you write a covering letter to go with your CV. Don't put your convictions on your CV. If you have employment gaps because you were in prison or serving a community sentence then state “not in employment” for that time.

### Covering letter top tips:

- ✓ Keep the letter to one side of A4.
- ✓ Mark the letter Private and Confidential. Try to find the name of the right person to send it to.
- ✓ Make sure you don't make any spelling or grammar mistakes.
- ✓ If you have a number of similar convictions, highlight the most serious one and make reference to the others. You need to tell the truth but a very long list of convictions may put an employer off.
- ✓ Be honest about your criminal record, emphasising anything that might help to explain why you committed offence(s).
- ✓ Use examples that demonstrate how you have moved on or changed since your offence, such as volunteering, work experience or family commitments.
- ✓ Don't write so much about your criminal record that you forget to remind employers that you have the right skills and experience for the role and that you would make a reliable employee!





## What does a good covering letter look like?

Address

Date

Dear Sir/ Madam

I am interested in applying for the position of Classroom Assistant which I recently saw advertised in the local newspaper.

I believe that I have all the skills that would enable me to be successful in this position, and have experience of working with children of all ages. However, I would like to disclose that over ten years ago, I was convicted of grievous bodily harm for violence towards my then partner and given a one year custodial sentence. At the time, I was in an abusive relationship and since then, I have moved on, remarried, and now have children of my own. I sincerely regret this one-off incident and would like to reassure you that I would in no way be a risk to your organisation. I would be happy to provide further details at interview.

My background and qualifications meet all the criteria listed in the person specification, and I feel that I would be more than capable of carrying out the duties that you have listed in the job description. I am a motivated, hardworking and responsible person and can provide references evidencing my suitability for this work.

Yours faithfully

## Interview stage

If you are invited to interview, you will need to be prepared to talk about your criminal record. Employers may ask you a range of questions about your record. Only a few will have a standard list of questions to ask. Employers ask questions in order to make sure that you will not be a risk to their business. It is up to you to show them that you can be trusted.

Remember you've made it this far – you've got the interview. This is your chance to reassure the employer that you are now ready for work and capable of becoming a valuable employee.

A good interviewer will consider:

- If the offence(s) relate to the job
- The number and type of offences
- The sentences given
- The length of time your offending behaviour lasted
- Whether there are any reasons that explain why you committed crime(s)
  - The age you were when you committed your offence(s)





### Interview top tips:

- ✓ Know your own criminal record so you can talk confidently.
- ✓ Think in advance about the likely questions an interviewer might ask and prepare your answers so that you can talk about your criminal record in the most positive way possible. Make some notes which you can use in the interview, if you need a prompt.
- ✓ Answer interviewers' questions directly and honestly and give the right level of detail. Try not to talk too much about all the negative circumstances surrounding your criminal record.
- ✓ Think about your body language and try not to come across as being too defensive.
- ✓ Practice this with someone you trust before your interview.

### What might I be asked and how should I answer?

#### 1. Can you tell me more about the offence(s) that are on your criminal record?

- Remember that employers might not understand much about criminal records so if there are any offences or punishments that may be difficult to understand, make sure you explain them.
- Be honest; give the facts and some information about the situation you were in when you committed the offence.
- If there are a lot of offences on your criminal record, group them together when rather than listing them separately – for example “I have several theft related offences from 2008-09”.

#### 2. What have you done since the time when you committed your offence(s)?

- This is your chance to talk about all the positive things you have done, make the most of it.
- If you have gained work experience, skills or qualifications in that time, make sure you tell them about this.
- Explain if there was a certain situation that led to your offending and that is now over.

#### 3. How can I be sure you won't be a risk to my business?

- Even if you do not present any risk to the business, the employer may feel like they are taking some risk in employing you. So tell them how keen you are to work and that you appreciate they will be putting their trust in you to do a great job.
- This might offer a chance for you to show that you regret what happened.
- Make sure you explain that you have left your offending past behind you and are now keen to develop your skills and gain experience in the workplace.
- Emphasise that you can be trusted and you are honest and willing to work.
- Talk about any recent achievements such as securing a tenancy, family commitments or your other responsibilities.

### What if the interviewer doesn't ask me anything?

If you have disclosed your convictions in your application form and your interviewer doesn't ask you any questions, it is worth mentioning them yourself.





It is unlikely that your interviewer has forgotten about them. By raising the subject you are showing you are proactive in the interview.

You may want to say something like: "As you saw in my application form I have some unspent convictions. If you have any questions for me about my convictions I would be happy to discuss them. I know they can cause concern to some people." In this way you take control of the conversation. The interviewer can then ask you some questions if they want to.

## Business Case Studies

Sometimes it can feel like having to disclose your convictions can make finding a job difficult. But there *are* businesses out there that understand that everyone should have the chance to become a valuable employee, whether or not they have a criminal conviction. Here are a few examples.

### Chapelfield Shopping Centre

Chapelfield Shopping Centre opened in 2005 and has created a new retail quarter in Norwich with over 90 shops and restaurants. Chapelfield launched its Custody & Community Project in June 2009 with the aim of breaking the cycle of re-offending. This award winning project has, so far, provided work experience opportunities for 99 people and 78 of them have gone on to secure employment.

Davina Tanner is the General Manager of Chapelfield and devised the project. She says:

*"Our reputation is absolutely paramount to the success of Chapelfield so we were very aware that this project needed very sensitive communication from the outset. We took a view that an open and honest approach was needed with regard to our staff and retailers; we've explained our reasons for providing work experience, training and access to job opportunities for serving prisoners and we have taken people with us on the journey."*

*"There will always be those who think that having serving prisoners working in a shopping centre is a risky decision. But every person on the project is carefully assessed before they begin working here and their progress closely monitored; the vast majority are very grateful for the opportunity and keen to prove themselves."*

*"The Chapelfield Custody & Community Project is not about giving serving prisoners and those with a criminal record preference over others when it comes to employment. Instead, we believe that everyone deserves a chance to compete for work on a level playing field. By helping them to secure employment we are providing (ex) offenders with a real alternative to crime. Reducing crime is clearly good for our community and our business."*





## Timpson

Timpson – the high street chain synonymous with all things shoes for almost a century and a half – has over 975 branches and 3,000 employees and is the UK's largest shoe repairer, key cutter, engraver and watch repairer.

James Timpson is Managing Director of Timpson, and believes that prison works for his company as well as for the former prisoners on his payroll. He's always looking for his next "superstar" employee whatever their background.

James says: *"I find the staff that we have recruited from prisons are among the best colleagues we've got. We see this as a great way of not only helping people but of getting people to work for us."*

He adds: *"We simply recruit people who we feel deserve a chance. I think the best way to avoid people going back to prison is to give them a good job."*

For the last 10 years, Timpson has been developing links with various prisons to find suitable candidates to work in their shops. During this time the company has developed relationships with about 75 prisons across the UK.

Timpson recruit both men and women directly from prison. The company has over 125 examples of (ex) offenders who have quickly become a crucial part of the shops' teams and have not returned to their previous criminal past.

James Timpson adds: *"We look beyond the label of 'offender' when recruiting to see the skills and potential each person has. This benefits us because we find people who are motivated and enthusiastic about working for us"*.

## What other businesses say about employing people with convictions

*"This is not a simple issue - people end up offending for a variety of complex reasons, as employers the most powerful thing we can do is help create a second chance for offenders so that it is possible for people with criminal convictions to enter employment and get back on track."*

Marco Pagni, Group Legal Counsel and Chief Administrative Officer, Alliance Boots

*"If we learn to value skills and talent over previous criminal convictions we will enhance our workforce and help to support the reduction of re-offending through employment"*

Huw Jenkins, Global Business Director, DHL Supply Chain





## Other useful information

### What do I tell my employer if I get a conviction while in work?

Some employers put in their employment contracts that all criminal convictions must be reported to the employer as soon as they are issued. For employers who don't state this, then being charged with or convicted of a criminal offence is not, on its own, a reason for dismissal.

If the charge or conviction is for something the employee did outside work, employers should consider what impact it will have on the employee's suitability to do their job and their relationship with the company, colleagues and customers.

For example, it might be reasonable to dismiss someone found guilty of fraud outside work if part of their job is operating a checkout till. But if the offence is for driving, it may not be a problem if driving does not form part of the job.

An employee dismissed for an offence committed outside work that has no impact on the job could claim unfair dismissal and seek compensation.

If the offence was committed at work, employment tribunals nearly always agree that a dismissal is fair.

### Nacro advice line

Nacro give information and advice for (ex) offenders, their families and people working with them.

For example they can help you understand which convictions are unspent.

Resettlement *Plus* Helpline

159 Clapham Road London SW9 0PU Tel: 020 7840 6464

Email: [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)

### Insurance for people with convictions

If you are thinking about becoming self-employed or if you are having trouble getting any type of insurance because you have convictions, then UNLOCK may be able to help you.

UNLOCK was set up by reformed offenders in 1998 and gained charity status in 2000. One of the first issues they tackled was the lack of insurance for people with criminal convictions and their families.

For more information contact Email: [advice@unlock.org.uk](mailto:advice@unlock.org.uk) or visit [www.unlock.org.uk](http://www.unlock.org.uk)





### Calculating when convictions are spent

UNLOCK have also developed a **Disclosure Calculator**: a web tool that can be used to find out when a criminal record becomes spent under the Rehabilitation of Offenders Act 1974.

[www.disclosurecalculator.org.uk](http://www.disclosurecalculator.org.uk)

### A programme to help you to build skills for employment

if you are looking to gain employment but have been out of work for some time. Or if some recent experience on your CV will be step that enables you to succeed at an interview, you may be interested in Business in the Community's Ready for Work programme.

**Ready for Work** is a national programme that engages business to support disadvantaged groups into employment. Business in the Community works with 140 businesses in 20 cities providing training, work placements and post- placement support to equip people with the skills and confidence they need to gain and sustain employment.

For more information visit [www.bitc.org.uk/readyforwork](http://www.bitc.org.uk/readyforwork).

### Information to support you when you start working

Starting work is an exciting time but it can also be a bit nerve-wracking, especially in the first few days and weeks.

You may be worrying about how you will settle in, whether you will get on with your boss, and practical things such as when and how you will get paid. All these thoughts are perfectly natural.

Business in the Community has written another guide that will help you find answers to some of the questions that might be going around your head. It has been designed for you to go through with your job coach or support worker.

The guide provides helpful hints and tips about information that you might need to know in the first few weeks to help you settle in well.

### Useful terms explained

**Body language** – this includes eye contact, facial expressions the way you sit or stand, posture. It can influence whether people believe what you are saying and how what you say comes across.

**Cautions** - Cautions are given for minor offences.

**Conviction** - being found guilty or pleading guilty in a court will result in a conviction.





**CRB** – Criminal Records Bureau. This organisation can give your employer a copy of your criminal record if you're working with children or vulnerable people or another job that requires a check.

**Disclose** – telling employers about your background.

**Dismissal** – being fired or let go from a job.

**Final Warning** – second caution for someone under 18.

**Mitigating circumstances** – reasons that might help explain why you have a criminal record.

**Prosecute** – to start criminal proceedings against someone.

**Rehabilitation period** – length of time during which a conviction would need to be explained to an employer if they ask.

**Reprimand** – first caution for someone under 18.

**ROA** – Rehabilitation of Offenders Act.

**ROTL** – Release on Temporary Licence – a short period of time where a prisoner is released from prison e.g. for a job interview or a few hours work.

**Sentence** – a punishment given by a court.

**Serious offence** – one that can be tried in a Crown Court.

**Spent** – after a certain number of years, convictions are “spent” and don't need to be explained to an employer (unless the job requires a CRB check).

**Summary offence** – one that can only be tried in a Magistrates Court.

**Unspent** – within a certain number of years convictions are “unspent” and need to be explained to an employer.





## Rehabilitation of Offenders Act

The information below describes how long the rehabilitation periods are before a conviction can become “spent”:

Sentence	Rehabilitation Period (time to become “spent”)	
	Age 17 or less when convicted	Age 18 or over when convicted
Prison sentence more than 2 ½ years and up to 4 years	4 years	7 years
Prison sentence more than 6 months and up to 2 ½ years	2 years	4 years
Prison sentence of 6 months or less	1 ½ years	2 years
Removal from Her Majesty’s Service	6 months	1 year
Sentence of service detention	6 months	1 year
A fine	6 months	1 year
A compensation order	The date on which the payment is made in full	
A community or youth rehabilitation order	6 months	1 year
Referral order	Once the order expires	

## About Business in the Community

### What is Business in the Community?

Business in the Community stands for responsible business.

With a membership of over 850 companies, engagement in 10,700 organisations internationally and an employee reach of 14.7 million, Business in the Community is raising the benchmark for responsible business practice.

We offer our members practical support to help them transform their businesses and integrate responsible practices into their operations. And we ask our members to work in partnership with us to help transform communities and tackle serious social issues where business can make a real difference.

Business in the Community is one of the Prince’s Charities, a group of not-for-profit organisations of which The Prince of Wales is President.

### Why has Business in the Community developed this guide?

Business in the Community, through the Work Inclusion campaign, works with employers to help people to build successful working lives.





Our goal is that everyone, particularly those with significant barriers to overcome, receives support from business, to build the skills and confidence they need to gain and sustain employment.

As a key strand of the Work Inclusion campaign, our reducing re-offending work seeks to support people whose criminal convictions act as a barrier to work. Business in the Community recognises employment as a key route out of offending behaviour.

As part of this work, we want to support both employers and future employees to overcome some of the barriers that criminal convictions can set in their way.

