Having a criminal record doesn’t have to be a barrier to finding fulfilling employment. Procedures need to be taken into account, but there are recruiters out there who will be positive about you.

**Finding open-minded employers for people with criminal records**

Many people, including students and graduates, have a criminal record from a lifestyle long since left behind.

When it comes to looking for work and applying for jobs you must think about:

- who needs to know
- what you should tell them
- how to present yourself in a positive light.

Consider the employer’s point of view and anticipate their concerns, the risk to others and questions of reliability and honesty.

Job applications may be rejected for any number of general reasons, like lack of experience or a poorly prepared application, but it’s still worth researching a potential employer’s policy and practice about criminal records. For example:

- Some professions, such as the police or prison service, bar anyone with a criminal record from employment.
- Other professional bodies have a set policy for criminal convictions. In many instances, such as in teaching, nursing and the law, disclosure of a conviction will not automatically stop you from working, but there is a vetting process that looks at all the relevant circumstances surrounding the offence.
- Some organisations, such as local authorities and the NHS, send out details of their criminal records policy to all job applicants. You can also find examples online that establish at what stage in the appointments procedure a criminal record is taken into account - some organisations only consider it at the job offer stage.

**Where to find advice and support**

- Organisations that specialise in the rehabilitation of offenders, like Apex Charitable Trust, Apex Scotland and National Association for the Care and Resettlement of Offenders (Nacro), have information about particular employers who have a positive attitude about employing people with a criminal record.
- Unlock is a national independent charity which provides information, advice and advocacy for people with convictions. It has a self-help information site, as well as a disclosure calculator, online forum and peer-magazine. It also runs a helpline which provides confidential peer advice on issues caused by convictions, such as the Rehabilitation of Offenders Act 1974, disclosing to employers, getting insurance and travel abroad.
- In some areas of the UK, the charities Supporting Others through Volunteer Action (Sova) and Working Links provide resettlement mentoring and support for people with a criminal record.
The Chartered Institute of Personnel and Development (CIPD) have produced a useful guide for employers, called Employing ex-offenders: A practical guide, which discusses the employment of ex-offenders and contains information about legislation, and a survey, Employing ex-offenders to capture talent.

If you’re a student, head to your careers service to talk to someone in confidence about how to plan your job search strategy, prepare for interviews, and network effectively. Some careers services offer guidance to recent graduate alumni, so check with your uni even if you’ve already left.

Marketing yourself and disclosing your criminal record
Knowing whether or not you’re required to disclose details of your criminal record is vital.

The law on disclosure

- You don’t have to disclose until asked. Some organisations only ask successful candidates, not all applicants, about their criminal record. Bear in mind that a Disclosure and Barring Service (DBS) check, previously known as a Criminal Records Bureau (CRB) check, will reveal information about your record, and failure to disclose this information when asked to do so at any stage in the application process may lead to dismissal from a course or job after selection.
- If you’re applying for a type of employment listed as an exception to the Rehabilitation of Offenders Act (ROA), you may be required to declare a conviction, even if it is spent. This may include employment in the legal profession, accountancy, education, and roles involving work with vulnerable people (eg those with illnesses, a disability or addiction problems). You’re also required to declare convictions when applying for vocational training related to these jobs, such as courses in nursing, teaching or social work.
- Even though a caution is not a conviction, it may appear on a criminal records check initiated by a prospective employer or educational institution.
- Disclosure does not usually apply to speeding and other minor traffic offences.
- You can check information held on the police national computer by applying under the Data Protection Act.

Disclosure on application forms and CVs
Focus the employer’s mind on your ability to do the job and don’t allow your criminal record to dominate your application.

If you need to explain gaps in your work history you could write, ‘not available for employment due to personal circumstances’.

- If asked about a criminal record, you could insert ‘see covering letter’ so you can set out the circumstances in a reassuring way.
- When talking about your offence, stress that it’s in the past, that you’ve moved on, taking on family or voluntary work responsibilities, or that the offence is irrelevant to the job.
- Sometimes explaining the circumstances can minimise the seriousness of a criminal act – somebody who lashes out in self-defence is less to blame than somebody who intends to cause injury. However, you need to make sure that it doesn’t sound like you’re making excuses because employers look for graduates who take responsibility for themselves and their work.
Disclosure at interview

- **If the employer is aware of your criminal record before the interview** treat it as a positive sign that they’re prepared to look at the qualities you bring to the role in spite of your past offending. Be prepared to talk about your offence if you’re asked to, but also be aware that the employer may wish to postpone discussion of disclosure information until an appointment has been made.

- **If the employer is not aware of your record before the interview** you’ll need to decide whether or not, and how, to disclose. Start the interview on a positive note and avoid presenting the interviewer with an unexpected problem. Consider advising them beforehand that there’s something of a personal nature you’d like to discuss towards the end. Alternatively, leave the interviewer with a brief letter which sets out the circumstances of your offence, while stressing your ability to do the job.

Marketing yourself and disclosing your criminal record

As you might expect, the law’s complicated on this matter. Here’s a brief overview – for more information see the links provided in the “Further Information” section at the bottom of this handout.

**The Rehabilitation of Offenders Act (ROA)**

The ROA allows for criminal convictions to become ‘spent’. This means it can be ignored, after a specified period of time. After this rehabilitation period, you don’t need to mention your conviction to a prospective employer and can simply answer ‘no’ when asked if you have any previous convictions.

It is illegal for an employer to dismiss or refuse to employ you on the grounds of spent convictions. It is also illegal for anybody to reveal information about your conviction after the end of the rehabilitation period.

**Exceptions to the ROA**

There are a number of important exceptions to this rule, depending on the sentence you were given and the nature of the work you’re applying for.

You must disclose convictions, even if they are spent, when the work involves contact with disabled, elderly, mentally ill people or under 18s. The same applies to certain professions including lawyers, teachers, medics, nurses, and social workers.

**Rehabilitation periods**

The rehabilitation period depends on the sentence – some sentences carry a fixed period, while others are variable.

If you receive a prison sentence, the rehabilitation period depends on the length of your sentence – not the time actually spent in prison. Sometimes convictions spent can be halved if you were under 18 when convicted.

Reforms to the ROA have been introduced via the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). These have altered the length of time it takes for some custodial sentences to become spent and were introduced in 2014. Details are on the Ministry of Justice website. Unlock also has a handy guide to the implications.
Working abroad and convictions obtained abroad

The ROA only applies in the UK, so if you want to work abroad you may be under a duty to disclose spent convictions.

The Act applies to convictions abroad for offences that would also be offences in this country.

Where the sentence is less than 30 months' imprisonment, the conviction becomes 'spent' in the UK subject to the normal rehabilitation period and providing no further convictions occur here or abroad.

The duty to disclose will therefore depend on what the offence was, whether it would also be an offence if committed in the UK, and what the sentence was.

Disclosure and Barring Service (DBS) Checks

For those employers and organisations exempt from the ROA, a DBS check may be required before confirming employment, placements, or voluntary work. DBS checks used to be known as Criminal Records Bureau (CRB) checks.

In England and Wales, DBS checks may be either ‘Standard’, ‘Enhanced’ or ‘Enhanced with list checks’. You can't run these on yourself, though. You can run a 'Basic' disclosure yourself, which is available to anyone on payment of a fee, and contains details of all unspent convictions. Contact Disclosure Scotland, from anywhere in the UK, for one of these.

The DBS searches police records and sometimes records held by the Department of Health and Department for Business, Innovation and Skills. This information includes spent and unspent convictions recorded on the police national computer, as well as cautions, reprimands and final warnings. Enhanced disclosures may also show information from local police records. The only exception to this is if the caution or conviction is eligible for filtering, as this means it won't be disclosed on a standard or enhanced check. Unlock has guidance on filtering.

Disclosure Scotland provides a similar service north of the border, and AccessNI in Northern Ireland.

If you’re applying for a job or a type of work where DBS checks are required, it’s in your interest to disclose information about your convictions. Check whether the employer has a criminal records policy and discuss your strategy.

Bear in mind that it is for the employer to make the final recruitment decision once they have received the results of the DBS check.

Further Information

Apex Charitable Trust
http://www.apextrust.com/

Apex Scotland
http://www.apexscotland.org.uk/

National Association for the Care and Resettlement of Offenders (NACRO)
http://www.nacro.org.uk/
Unlock
http://www.unlock.org.uk/

Supporting Others through Volunteer Action (Sova)
http://www.sova.org.uk/

Working Links
http://www.workinglinks.co.uk/default.aspx

Rehabilitation of Offenders Act 1974 and Offender Rehabilitation Act 2014
http://hub.unlock.org.uk/changestotheroa/

Disclosure and Barring Service (DBS)
https://www.gov.uk/government/organisations/disclosure-and-barring-service

Disclosure Scotland
http://www.disclosurescotland.co.uk/

AccessNI
http://www.nidirect.gov.uk/accessni-criminal-record-checks

Ministry of Justice

CIPD – ex-offenders factsheets
http://www.cipd.co.uk/hr-topics/ex-offenders.aspx

Legal Aid, Sentencing and Punishment of Offenders Act 2012
http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted