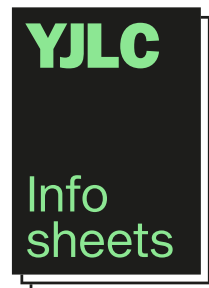


# Criminal Records

## Adult Convictions



### Convicted of a criminal offence when over 18

This document provides advice about what that means and what the consequences are in terms of your record.

### What is an adult conviction?

An adult conviction means that the court has found that you are guilty of one or more criminal offences either because you pleaded guilty or you were convicted at trial, and you are over 18.

Your conviction for the offence(s) will be recorded on a database called the Police National Computer (PNC).

Even if you committed the offence as a child (under 18), if you were 18 or over on the date you were convicted, then your conviction is treated as an adult conviction.<sup>1</sup>

### Do I have to tell my employer, college or insurance company?

#### Spent convictions

Generally, the answer depends on whether the conviction is spent or unspent. Any employer, college course or insurance company can ask you about unspent convictions and cautions. There may be a box on an application form asking if you have unspent cautions or convictions.

When your conviction becomes spent will depend on the sentence that the court gave you. If you received a prison sentence of more than four years your conviction will never be spent.<sup>2</sup>

If you received: <sup>3</sup>	The conviction is spent:
A hospital order, a bind order, a conditional discharge or an absolute discharge	At the end of the order
A fine	1 year after you received the fine
Community Order	1 year after the order has finished.
Imprisonment of 6 months or less	2 years after the end of the licence period
Imprisonment of more than 6 months but 30 months or less	4 years after the end of the licence period
Imprisonment of more than 30 months but 4 years or less	7 years after the end of the licence period
Relevant orders, for example restraining order or compensation order	Once that order has finished

Some employers can ask you about convictions or cautions even if they are spent. They can only ask

you about unspent convictions if are applying for certain jobs.

- <sup>1</sup> s5 Rehabilitation of Offenders Act 1974; and s113A(6E)(c) Police Act 1997
- <sup>2</sup> s5(1) Rehabilitation of Offenders Act 1974
- <sup>3</sup> s5 Rehabilitation of Offenders Act 1974

## Additional orders

However, if the court gave you another order as part of your sentence, for example a compensation order or a restraining order, then the sentence will

not be spent until that order has also finished. For a compensation order, it will be spent when the money has been paid in full.

## Multiple convictions or cautions

If you get convicted or cautioned for another offence before this conviction is spent, then none of those cautions or convictions are spent until they

all are. You should therefore check if each conviction or caution has been spent separately.<sup>4</sup>

## Filtered convictions

Whether a conviction or caution is filtered is different to whether it is spent. Employers for certain jobs can ask you about unfiltered convictions and cautions.

If your conviction is for a violent or sexual offence other than common assault then it will never be filtered.<sup>5</sup> There is a list of offences that will never be filtered on [gov.uk](https://www.gov.uk)<sup>6</sup>

If you received a custodial sentence, including a suspended sentence, then your conviction will never be filtered.<sup>7</sup>

If your conviction is for any other offence, and you did not receive a sentence of imprisonment,

then your conviction will be filtered 11 years after the date you were convicted.<sup>8</sup>

If an employer is asking you about spent convictions or cautions, they may carry out an enhanced or a standard criminal check. All unfiltered cautions and convictions will appear on both a standard or an enhanced check.

This will usually happen for a job working with children or vulnerable adults, such as a teacher or a childminder. However, it may also be required for a job where you might come into contact with children, such as a plumber if you may need to go into schools or people's houses.

## Enhanced criminal record checks

If your employer carries out an enhanced criminal record check, then the police have a wide discretion about what to disclose.<sup>9</sup> The police can add other information that they consider relevant in addition to unfiltered cautions and convictions.

Normally they will not disclose a conviction that has been filtered, but there may be exceptional circumstances when they think it is necessary to do so. If this happens you should seek legal advice.

## Other effects of an adult conviction

The conviction will stay on the Police National Computer for the rest of your life. It may affect a number of things other than applying for jobs, college and insurance. For example:

- If you apply for certain jobs which require a very high level of security checks (such as to become a police officer or a judge) or want to join the security services (such as MI5), it will be disclosed to your employer, as the nature of certain jobs will require employers to see everything on your record, even things that are filtered. These are very rare – most jobs will only ask for an enhanced criminal record check.
- If you are prosecuted for another offence, your record will be produced to a criminal court, and that will include your conviction.

- An adult conviction may affect any immigration applications you make, for example for leave to remain or for citizenship.
- An adult conviction may be disclosed in other legal proceedings, such as family law proceedings or to other professionals, such as social services, for safeguarding reasons.
- An adult conviction may affect travel to other countries. Each country has its own rules about criminal records, and so you would need to seek legal advice about the country you wish to travel to.
- Certain sexual offences will lead to notification requirement (also known as the 'sex offenders register') which means you have to keep the police informed of where you are residing, or could lead you to being barred from working with children or vulnerable adults.

4 s6(2) Rehabilitation of Offenders Act 1974

5 s113A(6)(a)(i) Police Act 1997

6 'List of offences that will never be filtered from a DBS certificate', DBS and Home Office, [www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check](https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check)

7 s113A(6)(a)(ii) Police Act 1997

8 s113A(6)(a)(iii) Police Act 1997; s113A(6E)(c)(ii) Police Act 1997

9 s113B(4) Police Act 1997

## Further information and support

If you would like further information about any of these or other questions, please seek legal advice or visit the websites of the Youth Justice Legal Centre<sup>10</sup> or Unlock<sup>11</sup> (a charity for people with criminal records).

Written by Jennifer Twite (Garden Court Chambers) in collaboration with Katya Moran and Laura Cooper at the Youth Justice Legal Centre.

<sup>10</sup> [www.yjlc.uk](http://www.yjlc.uk)

<sup>11</sup> [www.unlock.org.uk](http://www.unlock.org.uk)