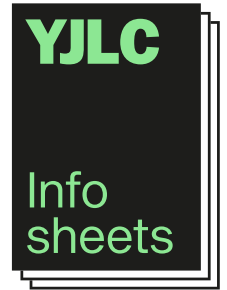


Criminal Records

No Further Action



The police have taken 'no further action' in your matter

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

What is 'no further action'?

You may have been arrested and/or interviewed by the police in connection with an allegation that you committed a criminal offence. Or you may not even have been interviewed, but you may be aware that the police were investigating or considering a criminal matter. In a case of 'no further action', the police have decided not to continue the case.

There are a number of possible reasons why they have not continued the case. For example:

- They may have given you a formal warning, such as a cannabis warning or a penalty notice.

- If you are under 18, you may have agreed to speak to the Youth Offending Team (YOT) who have agreed that you should be diverted from the formal criminal justice system.
- Diversionary outcomes equivalent to NFA include Outcome 20, 21 and 22.¹
- The police may have decided that there is not enough evidence to proceed, or that they do not believe that you have committed the offence.

In all these circumstances, the details of the allegation will be kept on police databases.

Does this mean I have a criminal record?

Whilst there are allegations recorded about you on police databases, on this basis alone you do not have a criminal record. You will not normally be asked if you have a criminal record, you will

normally be asked if you have any convictions or cautions. 'No further action' is not a conviction or a caution.

Effects of 'no further action' in certain situations

Work

Employers can check your criminal record no matter what role you apply for. This is called a Disclosure and Barring Service (DBS) check or criminal record check. Many jobs will ask about convictions or cautions, but some employers may also carry out an enhanced criminal record 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.

When an employer carries out these enhanced checks, the police will decide if any information they have about you about previous allegations

is relevant and needs to be disclosed to your employer. This does not happen very often. If there is an allegation recorded against you, it will probably not come up in a criminal record check. It is more likely to be disclosed if there are a number of allegations that show a pattern of concerning behaviour, or if there is something very serious or concerning about the allegation. If something comes up in a criminal record check that you were not expecting, you should seek legal advice. The criminal record check has information on it about how to appeal or query any decision if the information provided is inaccurate or if you consider it should not have been disclosed.

¹ See page 14 of the NPCC child gravity matrix for details of the various NFA Home Office Outcome Codes.

The DBS also have the discretion about whom to bar from working with children or vulnerable adults. Therefore if an allegation has been made, or a series of allegations, even if they have not resulted in formal action, they can be considered

by the barring service, who will then write to you if they consider that you should be prevented from working with children or vulnerable adults. If this happens, you should seek legal advice.

Travel

Whilst with a 'no further action' you do not have a criminal record, there are some countries that will ask questions about whether you have been arrested for certain offences. Whilst it is unlikely to

affect travel to most countries, you should check whether there are any relevant questions about investigation or arrest before applying for a visa.

Other circumstances

There are limited circumstances – such as for immigration applications, family law proceedings or future criminal proceedings – when it is possible that the police can choose to disclose information they have about you to another court

or professional involved with you or your family. They might, for example, tell other professionals if they think that the allegation that was made raises a safeguarding concern.

What information is kept and for how long?

The police will usually keep the details of what they have investigated on their computer systems. You have a right to see what is recorded against you, and you can do so by making what is called a 'subject access request' (SAR), which can be made through the ACRO (Criminal Records Office) website.² If you make a SAR, you should make sure that you ask for information on the Police National Computer (PNC) as well as from the police force who arrested you.

The police should review the information that they keep to ensure it remains accurate and continues to be relevant. They may delete information if it is very old and no longer relevant. You can apply for your data to be deleted, but you should consider that it is likely to be reasonable for the police to keep most information for a number of years after the allegation is made.

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 Centre³ or Unlock⁴ (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.

² www.acro.police.uk

³ www.yjlc.uk

⁴ www.unlock.org.uk