

Your police record

Important information about what happens to your criminal record once your case is finished

Now that your case is finished, the police will keep a record of what has happened. If you were convicted of an offence or given a caution, a record of this will be kept until your 100th birthday. If you were arrested or accused of a crime but it did not lead to any action being taken against you, you received a community resolution, or you were referred to the Youth Offending Team but it did not result in a caution - there will still be a record of this.

Rehabilitation Periods

If you have been convicted of an offence there will be a “rehabilitation period”. During a rehabilitation period, convictions and cautions will show up when you apply for a criminal records check, known as a “DBS check”. If asked during an application about convictions, you must disclose any that are still in their rehabilitation period.

Convictions

The length of the rehabilitation period depends on the type of sentence. The rehabilitation period for different sentences are below. These apply to children and young people. If you were 18 or over at the time of your conviction then different rehabilitation periods apply.

| Sentence/disposal | Rehabilitation period |
|---|---|
| Absolute discharge | No rehabilitation period |
| Conditional discharge | At the end of the order |
| A fine | 1 year |
| Community order or youth rehabilitation order | Total length of order plus an additional 6 months |
| Detention for 6 months or less | Total length of sentence plus 18 months |
| Detention for more than 6 months and up to 2 and a half years (30 months) | Total length of sentence plus 2 years |
| Detention for more than 2 and a half years (30 months) and up to 4 years | Total length of sentence plus 3 and a half years |
| Detention for more than 4 years | Permanent |

Cautions

A caution has no rehabilitation period. A youth conditional caution has a rehabilitation period of 6 months.

After the Rehabilitation Period

Once a rehabilitation period has come to an end the record of that offence becomes “spent”. This means that, in most circumstances, you will be allowed to keep that record a secret even if you are asked about convictions and cautions during an application. Employers will not be allowed to refuse to hire you, or fire you because of a spent record, even if they find out about it. You cannot be considered to be dishonest by an employer if you deny you have spent convictions.

The exception to this rule is when you are applying for certain jobs or courses of education which are particularly sensitive. Most of the time, these will be jobs which give you access to vulnerable adults or children. When this is the case your application may be “exempted” from the effects of being spent. When this is the case you should tell people about your convictions when asked, even after the rehabilitation period has ended.

Common exempt positions include: teachers, social workers, jobs in the NHS and security industry, vets, accountants, lawyers, carers, traffic wardens, taxi drivers, social workers, football stewards and locksmiths. If you are unsure, simply call the **Unlock Helpline on 01634 247 350**.

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Protected convictions and cautions

Sometimes, records of convictions and cautions will become “protected” after a certain period of time. Protected records never need to be disclosed to employers and educators even when the application is exempted.

When can records be protected?

If you were convicted of an offence, that record will become protected after 5 and a half years from the date of conviction, as long as you were 17 or under when it was given, except in the circumstances set out in the section below.

If you were given a caution that record will become protected after 2 years, as long as you were 17 or under when it was given, except in the circumstances in the section below.

Which records can never become protected?

Your record will never become protected if:

- You served a sentence in detention as a result of your conviction;
- You have more than one conviction, even if they were given for the same incident;
- The offence which led to your conviction or

caution is on the list of offences which will never become protected. This is a long list including violent and sexual offences among others. You can find the list by searching for “List of offences that will never be filtered from a DBS certificate” in Google. Alternatively, contact a member of the crime team at Just for Kids Law, or contact the **Unlock Helpline** on **01634 247 350**.

What about records which didn't lead to a conviction or caution?

You may have been arrested, interviewed or accused of a crime which did not end in any formal action by the police or CPS. You may have been given a community resolution or referred to the YOT for triage. If so, there will still be a record that the police will keep for anywhere up to 100 years.

Most of the time these records will not be shared in the future and they do not count as a criminal record, so you do not need to tell employers about them.

The only time they might show up is on an “enhanced DBS check”, the highest level of criminal records check. If they do show up, you will be contacted before it is shared with your employer or educator. You can challenge the decision to include this information on your DBS check and you should contact a solicitor if this happens.



Just for Kids Law

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Unlock
for people with convictions www.unlock.org.uk

theHelpline
confidential peer advice on overcoming the effects
of criminal convictions

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