

DISCLOSING WITH CONFIDENCE

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Background

- ▶ 13 Years working as a Prison Officer
- ▶ I deliver employability coaching and training to those who face barriers to employment, including those who have come into contact with the CJS.

A few facts

- ▶ How many people in the UK have a criminal record?
- ▶ Over 11m

- ▶ How many of these are unspent convictions?
- ▶ 735,000

- ▶ 33% of males aged 53 had been convicted of at least 1 standard list offence in their lives (2006)
- ▶ This compares with 9% of females at the same age





Impact

- ▶ Employment
- ▶ Running a business
- ▶ Volunteering
- ▶ Education
- ▶ Housing
- ▶ Insurance
- ▶ Travel

Unspent convictions

- Unspent convictions will come back on all levels of criminal record check (basic, standard and enhanced)
- If asked by an employer, you have to disclose convictions that are unspent. Many employers take on people with unspent convictions, but some might have policies or practices that mean you are refused employment.

Convictions that are spent

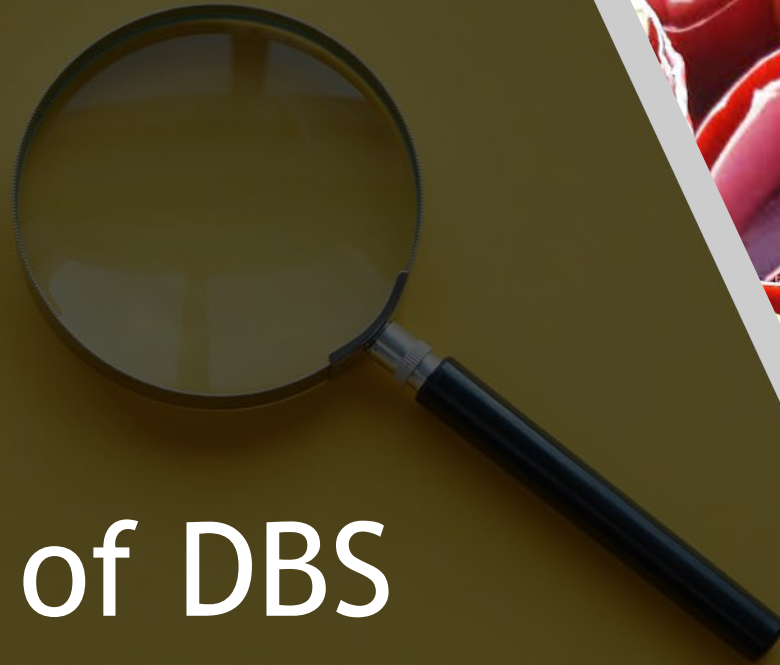
- Spent convictions and cautions will not come back on a **basic** criminal record check
- **For most jobs**, you do not need to disclose spent convictions and cautions to an employer
- Some jobs and roles might involve a **standard** or **enhanced** criminal record check and these checks will normally show spent convictions and cautions so you will need to disclose these if the organisation is doing one of these checks
- Most spent convictions and cautions will still appear on standard or enhanced checks, and employers that do these checks can use what comes back on the check and take it into account when making a recruiting decision if they believe it's relevant to the role
- Spent convictions and cautions do not need to be disclosed when buying **home or car insurance**
- Spent convictions and cautions will **stay on your police record** - they are not deleted.



Accessing your Police records

- ▶ Under the Data Protection Act, you're able submit a 'subject access request' (SAR)
- ▶ Cost is £10 and the Police have 40 days to respond
- ▶ Show's everything - doesn't separate spent/unspent.

Levels of DBS checks



Basic (Criminal Conviction Certificate)

- ▶ It contains all unspent convictions
- ▶ Every job could do a basic check
- ▶ Commonly used in roles covered by the Rehabilitation of Offenders Act 1974.

Standard (Standard Criminal Record Certificates)

- ▶ Includes spent and unspent convictions
- ▶ An employer can only request a standard check if the role applied for is eligible
- ▶ Employers recruiting for certain positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 can request standard checks.



Roles

- ▶ Applying for a security industry license
- ▶ Solicitor/Barrister
- ▶ Accountant
- ▶ Veterinary surgeon
- ▶ FCA 'Approved Persons' roles
- ▶ Football stewards
- ▶ Traffic warden
- ▶ Member of the Master Locksmiths Association.

Enhanced (Enhanced Criminal Record Certificates)

- ▶ Includes both spent and unspent convictions
- ▶ Includes information as to whether the person is included in a list of people barred from working in regulated activity in relation to children and / or adults (if eligible and requested)
- ▶ Used for positions that will include frequent or intensive contact with children or vulnerable adults, for example teachers, doctors or social workers
- ▶ It also includes any relevant information held on local police records.

Local Police information

- ▶ Fixed Penalty Notices (FPN's)
- ▶ Penalty Notices for Disorder (PND's)
- ▶ Findings of innocence
- ▶ Acquittals
- ▶ Cautions and convictions of those that you live with
- ▶ Other Police intelligence (including allegations).



Roles

- ▶ Working with children and vulnerable adults
- ▶ Teacher
- ▶ Social worker
- ▶ NHS professional
- ▶ Care worker
- ▶ Taxi driving licenses.

INFORMATION	BASIC	STANDARD	ENHANCED	ENHANCED + BARRING
Unspent convictions	Yes	Yes	Yes	Yes
Spent convictions		Yes	Yes	Yes
Cautions (reprimands & warnings included)		Yes	Yes	Yes
Police intelligence			Yes (if Police deem relevant)	Yes (if Police deem relevant)
Inclusion on Children's Barring List				Yes (if specified)
Inclusion on Adults Barring List				Yes (if specified)

Filtered offences

Some spent
offences can
be filtered

These won't
show appear
on any checks

Excludes
prison
sentences

Offences include.

- ▶ Common assault
- ▶ Drunk and disorderly conduct
- ▶ Harassment
- ▶ Theft (no violence)
- ▶ Drugs offences that involve possession
- ▶ Most motoring offences.



Disclosing a criminal record



Do I need to disclose?

- ▶ It's important that you understand your criminal record
- ▶ Although convictions and cautions stay on the Police National Computer until you reach 100 years old (they are not deleted before then), they don't always have to be disclosed
- ▶ Many people don't know the details of their record and it's important to get this right before disclosing to employers. Usually, this means applying for a copy of your police record (it costs £10 and is known as a Subject Access Request)
- ▶ Use an online calculator.

In person or in writing?

- ▶ If possible, tell the employer in the way that you feel most comfortable with
- ▶ This will depend on how you feel about talking and/or writing about your criminal record
- ▶ Usually, the employer's policy will lean you towards a certain way
- ▶ Provide the employer with the brief factual details of your criminal record in writing at some point during the recruitment process, so that you have evidence of what you've disclosed - keep a copy of this for your own records too.

Disclosure statement

- ▶ Keep it short (no more than 1 side of A4)
- ▶ Tailor it to each vacancy
- ▶ Keep it simple and easy to understand.



Statement structure

Start

Start with why you are applying for the role, including the skills and experience you bring.

Explain

Explain your convictions. This includes when, what, how many, circumstances and how your risk has been reduced.

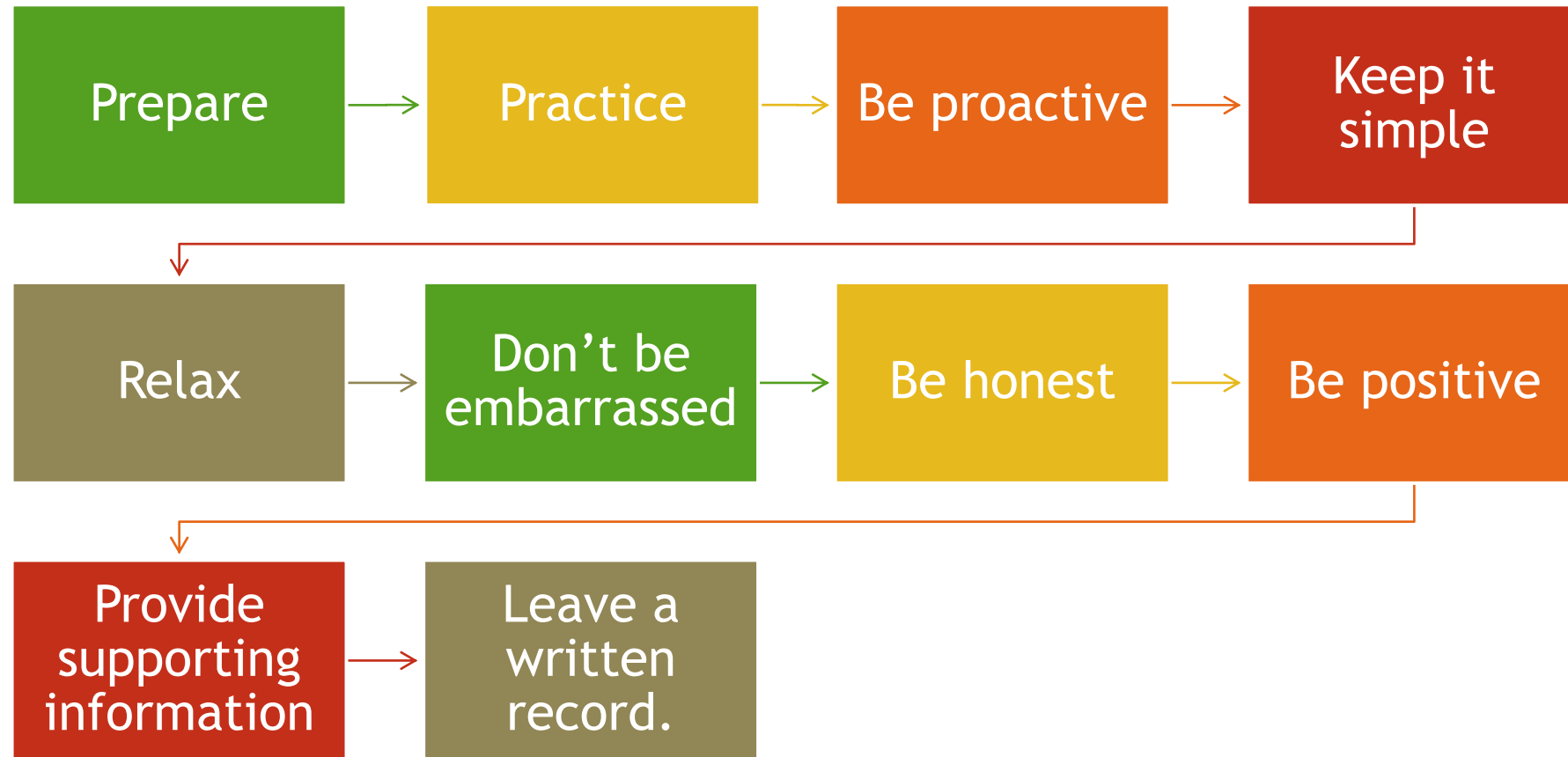
Finish

Finish with a strong and positive closing statement. Offer names and contact details of people who can confirm your suitability.

Prepare for questions

- ▶ Can you tell me about your criminal record?
- ▶ Why did you commit the offences?
- ▶ Was there anything happening in your life at the time?
- ▶ How can I be sure you're not a risk?
- ▶ What steps have you taken to change your ways?
- ▶ How is your life different now?

Top tips



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Any questions

