

Should I tell an employer?

Yes

- If you are asked, you are required to disclose by law.
- You are being honest, which the employer may respect.
- An employer can see it as making a clean start.
- You won't have to live with the worry of the employer finding out which may result in you losing your job.
- You will learn and become more confident as a result.
- It shows that you have thought about the job and that your conviction will not be a barrier to it.

No

- It could take you longer to get a job.
- You may face rejection.
- It can be difficult to know when and how to disclose a conviction.
- The information could be given out to other people.
- Certain criminal convictions are spent, that is, forgotten, after a rehabilitation period. This period varies according to the offence and the length of a sentence.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act makes discrimination against ex-offenders unlawful and is intended to help people with few or minor convictions. You don't need to disclose spent convictions when applying for jobs. There are some types of jobs though, where you **do** need to disclose both spent and unspent convictions. These include:

- Work with children and vulnerable adults, such as elderly or disabled people
- Senior roles in banking and finance
- Armed forces
- Private security work, and prison work
- Some professions such as, health, pharmacy and the law

How should I disclose?

Many employers will still consider you if they think your conviction is not relevant to the job you are applying for. You will improve your chances of getting the job if you disclose in the right way by:

- Putting emphasis on your ability to do the job.
- Reassuring employers that you are not a risk, that your crimes are in the past and that you have learned a lot from your mistakes.
- Telling them about your achievements and any positive changes since your conviction, and qualifications you have gained whilst putting your time to good use.

When should I disclose?

Many employers will still consider you if they think your conviction(s) aren't relevant to the job you've applied for. It will increase your chances of getting a job if you are aware of the disclosure process and apply for work in the right way, using the right procedures. Here's how to disclose convictions in a positive light.

If an employer wants to know about criminal records, they will probably ask you in the application form. If there's space in the box you could disclose your convictions there, but it will probably be better to put "see enclosed" and attach a separate sheet. List your conviction(s), how they came

about and how you feel about them (see our section on education, training and voluntary work for suggestions on how to present your past in a positive light).

If the application form doesn't ask about your record, you could leave it to the interview stage as an employer can then meet you face to face and this will be your chance to show your positive characteristics. Some employers may ask you about your record when they are ready to make you a job offer, so be prepared for this.

How long before convictions are spent?

Certain criminal convictions are "spent" (forgotten) after a rehabilitation period. This period varies according to the offence. For people aged 18 or over when convicted:

Sentence	Rehabilitation period (Age 17 or under when convicted)	Rehabilitation period (Age 18 or over when convicted)
6 months or less	3.5 years	7 years
6 months to 2.5 years Fines, compensation	5 years	10 years
Probation, community Service, drug treatment and testing, reparation orders	2.5 years	5 years
Absolute discharge	6 months	6 months

What else do I need to know about disclosing convictions?

You and your employer have certain rights and responsibilities with regards to the disclosure of convictions. You need to be aware that:

- If an application form asks for details of spent convictions, check the post is exempt under the Rehabilitation of Offenders Act 1974.
- If an employer or application form asks you if you've got a criminal record and your convictions are spent, and the job isn't excepted from the Act, you can say "no".
- If you are dismissed for a spent conviction, can prove it and have been employed for a year or more, you can claim unfair dismissal.
- If you've got unspent convictions and don't disclose them when asked to, you can be dismissed by your employer, and possibly prosecuted.
- It's a complex law so seek advice if you've got concerns, particularly if an employer claims a post is exempted under the Act when in fact it is not. You can get advice from your local Citizens' Advice Bureau, NACRO or a nextstep careers adviser.

nextstep has 47 locations countrywide and if you speak to your careers adviser before release they will be able to tell you the nearest one to where you intend to resettle. If you are resettling in Dorset: call our freephone helpline on 0800 138 5550 or email dorsetiag@tribalgroupp.co.uk.

BEST Training & NextStep provides information and advice on work and learning to adults 20+ across Bournemouth, Dorset and Poole.

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