



Understanding if a conviction is spent or unspent

What does it mean to be convicted of a crime?

To be convicted of a crime means that in a court of law, someone has been found guilty of a criminal offence. There are many kinds of criminal offences. For example, theft, murder, driving offence, sexual assault, white-collar crime, drug possession and so on.

The following pages will give you an idea of the different kind of offences* and how the seriousness / significance of the criminal offence is ranked, or to give an idea of what category they fall into.

It is important to note that Employment Advisors needn't be concerned with the offence committed, but only with the barriers that come with being convicted of this offence. The seriousness or class of the crime will give the Employment Advisor an idea of how significant the barriers to employment may be and what the ramifications are.

**This does not include all punishable offences.*

Spent and unspent convictions are part of the Rehabilitation of Offenders Act 1974.

Knowing the difference between these two is helpful for Employment Advisors and it helps them decipher whether legally a criminal offence needs to be disclosed to an employer upon application for a job position.

It is important to note that in addition to a prison sentence a court can hand down various orders. Orders can be for 5, 10, 15 years or indefinite. An offence does not become spent in any part until the order given is also finished. So where, for example, a Restraining Order or Sexual Harm Prevention Order is given as part of the sentence, you need to know how long these are for, in order to work out when the sentence will become spent.

Class	Classification	Example
A	Homicide and related grave offences	Murder/Manslaughter/Attempt to cause explosion etc.
B	Offences involving serious violence or damage, and serious drugs offences	Kidnapping, false imprisonment, arson, drug trafficking, manufacture and supply of substances, causing/allowing death of a child, possession of firearm with intent to cause harm etc.
C	Lesser offences involving violence or damage, and less serious drug offences	Child abduction by connected person, racially aggravated assault, criminal damage, involvement with Class C drugs, possession of firearm without licence, abandonment of child under 2, assisting prisoners to escape
D	Sexual offences, and offences against children	Abuse of position of trust, administering drugs to obtain intercourse, sexual assault, sexual activity with a child, sexual assault etc.
E	Burglary etc.	Burglary (domestic or non-domestic)
F	Class F offences	Possession of false identity documents, destruction of birth certificates, making false documents
G	Class G offences	Counterfeit notes or coins – importation, evasion, possession, manufacturing
H	Miscellaneous lesser offences	Being drunk on aircraft, breach of sex-offender order, obstructing a customs officer, racially aggravated harassment, indecent display, dangerous driving
I	Offences against public justice and similar offences	Fabrication of evidence, intimidating a witness, assisting offenders, false statement
J	Serious Sexual offences, offences against children	Indecency with child, rape, abduction of woman by force, inciting child prostitution or pornography



What is a spent conviction?

A spent conviction is one that when a basic criminal record check is submitted, the conviction will no longer appear on this check. This is part of the rehabilitation of offender's act, it helps people move past their criminal conviction once they have served their sentence out. If the employer is doing a standard or enhanced criminal record check it is possible that the conviction will show on the check, but it will be noted that it is spent.

A spent conviction means that although a participant will not have to disclose it to employers or disclose it if they were applying for insurance, the police will still have a record of this conviction.

[Unlock have an amazing tool](#) which a participant can use to see if/when their conviction will be spent.

Example

If they are an adult and their prison sentence was less than or equal to 12 months, after their sentence plus 1 year, their conviction will become spent.

[Unlock also have a quick and handy article](#) to explain what shows up on a basic criminal record check.

What is an unspent conviction?

An unspent conviction is one that will come back on all criminal record checks whether it be basic, enhanced or standard. An unspent conviction means that the length of the sentence given still affects whether this conviction needs to be disclosed. Some offences will never be unspent due to how long was given to the individual.

If asked, an unspent conviction must be disclosed when a participant is applying for a job, but it does not mean that an employer will not take you on! See below some logos of organisations that will take people with unspent convictions on. An unspent conviction also must be disclosed if asked to landlords, when making a mortgage application and applying for insurance etc. This really can affect an ex-offender's ability to move past their conviction and re-integrate into society.

Example

If an individual spent over 4 years in prison for a sexual or serious violent offence, or if they have a sentence for public protection, it will never be spent. If the individual served over 12 months and less than/equal to 4 years in prison and they are within 4 years of the end of their whole sentence (prison plus licence) their conviction will not yet be spent. It will be spent 4 years after finishing their whole sentence.

