

CAVOS CRB Disclosure Service

A Simple Guide to: Rehabilitation of Offenders Act 1974

- If a conviction is spent under the *Rehabilitation of Offenders Act*, the individual can say 'no' if an employer or insurer asks if they have a conviction.
- Most convictions become spent after five years. Some take more time than this, some take less time (check on the chart on the next page).
- If a person has more than one conviction or they have been in prison, their convictions may take many years to become spent.
- If they have been given a prison sentence of more than 2 years, their convictions will never become spent.
- The *Rehabilitation of Offenders Act* does not help when a job is exempt from the Act. For these jobs the individual will have to tell employers about all their convictions including spent ones.
- Employers must be told about convictions:
 - if the applicant wants to work with children
 - if the applicant wants to work with vulnerable adults.
- The police will keep a record of convictions for at least 10 years if it is for an offence such as theft. Serious convictions, such as those for violence, will be kept for life.

This Act may change in the future. The Government has accepted in principle proposals to cut the time it takes for convictions to become spent. Under the proposals people given prison sentences of more than 2 years will also be helped by the Act.

When convictions become spent

The main sentences and the time it takes for them to become spent are set out in the chart on the next page.

If you have many convictions, your first conviction may not become spent until the last one does.

More information is available on this act by contacting the NACRO Helpline on 020 78406464

Sentence	Time it takes to become spent If you were 17 or under when found guilty	Time it takes to become spent If you were 18 or older when found guilty
Prison and YOI term of 6 months or less	3 ½ years	7 years
Prison and YOI term of more than 6 months, up to 2 years ^{1 2}	5 years	10 years
Fine, compensation, probation ¹ , community service or combination order ²	2 ½ years	5 years
Action plan, curfew, drug treatment and testing order or reparation order	2 ½ years	5 years
Absolute discharge	6 months	6 months

1 If you were found guilty by the court on or after 3 February 1995. Probation orders are now called community rehabilitation orders.

2 Community service orders are now called community punishment orders. Combination orders are now called community punishment and rehabilitation orders.

Sentence	Time it takes to become spent If you were 12, 13, or 14 when found guilty	Time it takes to become spent If you were 15, 16 or 17 when found guilty
Detention and training order of 6 months or less	1 year after order ends	3 ½ years
Detention and training order of more than 6 months	1 year after order ends	5 ½ years

Sentence	Time it takes to become spent
Probation*, supervision, conditional discharge and bind-over	1 year or until the order ends (whichever is longer)
Attendance centre order	1 year after the order ends
Referral order	Once the order ends

* If you were found guilty by the court before 3 February 1995