

Your Disclosure Guide

What you have to tell employers, what you don't — and how to do it well

This guide was written by **Michael Giles LLB (Hons)** — someone who has an LLB in law and who has lived exactly where you are now. The law around criminal records and disclosure is more on your side than most people realise. This guide explains it in plain English so you can use it.

The Most Important Thing to Know

Many people with criminal records assume they have to disclose everything to every employer. That is not true. The law gives you significant protections — and understanding them could be the difference between getting a job and not getting one.

"The law is not always against you. When it comes to criminal records and employment, the Rehabilitation of Offenders Act 1974 exists specifically to protect your right to move on. Understanding it is one of the most practically useful things you can do."

The key law is the **Rehabilitation of Offenders Act 1974 (ROA)**. It means that after a certain period of time, many convictions become "spent" — and once spent, you are legally entitled to treat them as if they never happened for most employment purposes.

Spent and Unspent Convictions — The Difference

Every conviction has a rehabilitation period — a length of time after which it becomes spent. The length depends on the sentence you received, not the offence itself.

SENTENCE YOU RECEIVED	WHEN IT BECOMES SPENT (ADULT)
Prison sentence over 4 years	Never spent — always needs to be disclosed if asked
Prison sentence 30 months to 4 years	7 years from the end of your sentence (not from release)
Prison sentence 6 to 30 months	4 years from the end of your sentence
Prison sentence under 6 months	2 years from the end of your sentence
Community order	1 year from the end of the order
Fine	1 year from the date of conviction
Conditional discharge	Date of the discharge
Caution, reprimand or warning	3 months from the date

WHAT "SPENT" MEANS FOR YOU

Once a conviction is spent, you do not have to disclose it on most job applications. If an employer asks "do you have any criminal convictions?" and your only convictions are spent, you are legally entitled to answer no. If you disclose a spent conviction and an employer uses it against you, they may be acting unlawfully.

IMPORTANT — EXCEPTIONS APPLY

Some jobs require you to disclose all convictions, including spent ones. These are mainly roles working with children, vulnerable adults, in healthcare, or positions of financial trust. If you are applying for one of these roles, the standard rules do not apply. Advance 2 Go will tell you which rules apply to your specific situation.

What Employers Can and Cannot Ask

What employers CAN ask

- Whether you have any unspent criminal convictions
- Details of unspent convictions where relevant to the role
- For certain exempt roles — details of all convictions including spent
- Whether you are subject to any current court orders or conditions

What employers CANNOT ask

- About spent convictions for non-exempt roles
- To use a spent conviction against you in a hiring decision
- To request a DBS check at a level they are not entitled to
- About cautions, reprimands or warnings that are spent

Ban the Box employers go further — they agree not to ask about any convictions until after an initial assessment of your skills and experience. Advance 2 Go only works with employers who commit to fair, individual assessment of every candidate.

How to Handle the Disclosure Conversation

If you do need to disclose a conviction — because it is unspent, or because the role requires disclosure of all convictions — how you handle that conversation matters significantly. Here is the approach that works.

- 01 KNOW WHAT YOU NEED TO DISCLOSE BEFORE THE CONVERSATION**
Work out exactly what is spent and what is not before you apply for anything. Advance 2 Go can help you do this. Going into the conversation knowing your legal position is far better than guessing under pressure.
- 02 BE FACTUAL AND BRIEF**
State the facts — offence, sentence, date — without excessive detail or emotion. You do not owe an employer a full account of your life. You owe them accurate information about what is legally required to disclose.
- 03 FOLLOW IMMEDIATELY WITH WHAT YOU HAVE DONE SINCE**
The conviction is one sentence of the conversation. What you have done since is the rest of it. The work you have put in, the skills you have developed, the person you are now — that is what the employer is actually hiring.
- 04 DO NOT APOLOGISE MORE THAN ONCE**
One acknowledgment is appropriate. Repeated apologies shift the conversation from your strengths to your history and leave the employer feeling uncertain about you. Say it once, mean it, and move forward.
- 05 BE READY FOR QUESTIONS**
The employer may ask follow-up questions. Answer them honestly and briefly. If they ask something you are not legally required to answer, you are entitled to say so — calmly and without aggression.

What a good disclosure sounds like

EXAMPLE — HOW TO FRAME IT

"I want to be upfront with you. I have an unspent conviction for [offence], for which I received [sentence]. That was [X] years ago. Since then I have [what you have done — worked, studied, rebuilt]. I am not the same person I was then, and I believe I can demonstrate that through the work I do here. I am happy to answer any questions you have."

THE KEY PRINCIPLE

You are not defined by the worst thing you have done. Neither is your application. The employer is hiring you for what you can do now — and your job in the disclosure conversation is to make sure they see that clearly, not just the conviction.

DBS Checks — What They Mean

A DBS (Disclosure and Barring Service) check is a formal check of your criminal record. Here is what you need to know:

- A Basic DBS check shows only unspent convictions — this is what most standard employers will request
- A Standard or Enhanced DBS check shows more information — only applicable to specific regulated roles
- An employer can only request the level of check they are entitled to for the specific role — if they request a higher level than they are entitled to, that is unlawful
- You are entitled to see the result of your DBS check before it is shared with the employer — this gives you the opportunity to clarify any errors
- You can request your own basic DBS check at any time for £18 — it can be useful to know exactly what an employer will see before you apply

How Advance 2 Go Helps You

Everything in this guide is something we work through with every candidate before they apply for a single job. You do not have to navigate this alone.

- We work out exactly what you need to disclose and what you do not — specific to your record and the role you are applying for
- We coach you through the disclosure conversation until it feels natural
- We only introduce you to employers who are committed to fair, individual assessment
- We handle the initial disclosure conversation with employers on your behalf where appropriate
- We stay with you for 26 weeks after placement — if anything comes up, we are there

All of our support is free to candidates. There is no catch.

Ready to get started?

Get in touch and we will arrange a free, confidential conversation about your situation, your record and what we can do to help you find work. We will not judge where you have been. We are interested in where you are going.

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