

Our criminal records regime is thwarting people's chances of true rehabilitation. Criminal records loom over people who may have long ago moved on from their past, locking them out of employment and preventing them from contributing to society.

#FairChecks is a movement led by Unlock and Transform Justice. We are calling for the government to launch a review of the criminal records disclosure system to reduce the length of time a record is revealed, and for all political parties to commit to progressive reform of the system. We have three initial asks to make the system fairer:

1. **No automatic disclosure of cautions on criminal records.** Cautions are low-level sanctions given by the police. They should not be automatically disclosed on criminal record checks.
2. **Wipe the slate clean for childhood offences.** All but the most serious offences should be automatically removed from a child's record at 18, with an opportunity for more serious offences to be reviewed by a judge and wiped from the record if appropriate.
3. **Stop forcing people to reveal short prison sentences forever.** Short and suspended prison sentences should be excluded from standard and enhanced criminal record checks after a certain time.

About criminal record checks

The Disclosure and Barring Service (DBS) is responsible for issuing official criminal record checks in England and Wales. There are three types of check: basic, standard, and enhanced. The level of check that can be carried out for specific employment purposes is set out in legislation.

All cautions and convictions come with a "spending period" which indicates the length of time they must appear on a basic criminal record check. The length of time until a conviction is "spent" depends on the sentence received and is set out in The Rehabilitation of Offenders Act (ROA) 1974. Some convictions can never become spent. Once a spending period has concluded, the conviction is considered spent and will no longer appear on a basic check. Any employer can request a basic check, which discloses only unspent convictions.

A standard or enhanced check discloses both unspent and spent convictions or cautions. Some convictions and cautions can be removed ("filtered") from checks after several years, so they no longer appear. Employers can only request standard or enhanced checks for specified roles, but the list of such roles is expanding and includes jobs in education, financial services, social care, and services such as taxi driving. Checks may also cover volunteer roles, such as applying to be a Covid vaccination assistant or helping at your child's school.

There is no distinct criminal records system for children in England and Wales. Rehabilitation periods are reduced for convictions or cautions received as a child. But there is no other provision to recognise that people should be allowed to move on from childhood.

Why reform is needed

FairChecks supporter Mia was convicted for being involved in a fight outside her school at the age of 16. Mia always wanted to be a teacher, but her conviction would appear on the enhanced DBS check required for employment in schools. Although the offence was committed before the age of 18, her criminal record followed her into adulthood and 15 years later it still appears on enhanced checks.

Mia has recently lost out on charity roles working to support young people because of her childhood criminal record.

Even a minor criminal history produces lifelong barriers that can block reintegration and participation in society. The stigma attached means that if a conviction or caution is revealed, people often don't get the chance to explain how they have turned their life around and are automatically rejected by employers and others. Our current criminal records disclosure regime prevents people from achieving their full potential in the following ways:

- **A criminal record can be crippling for employment.** The latest research shows that 30% of employers would automatically exclude a candidate who declared an unspent conviction.
- **The disclosure regime anchors people to their past and serves as a second sentence.** We regularly hear from people who are rejected from jobs because of minor irrelevant convictions received decades ago.
- **A criminal record acquired as a child can, in effect, be a life sentence.** A person can change quickly, but their criminal record does not. In 2021, 11,293 criminal records for offences committed in childhood were disclosed on standard and enhanced criminal record checks. More than a third of these offences were over 40 years old.
- **A criminal record affects a large number of people.** Over 12 million people in the UK have a criminal record, and the DBS produced more than 7 million certificates from 2021 to 2022.

What we are asking for

The criminal records disclosure regime in England and Wales is one of the most punitive in the world. To build a fairer and more inclusive society, we need a disclosure regime that protects the public without harming people's opportunity to change and lead fulfilling law-abiding lives free of the stigma of their past.

The #FairChecks movement is calling on the Home Office and the Ministry of Justice to launch a major review of the current criminal records disclosure regime.

Given the importance of understanding the experiences of those with criminal records (and other points of view) we believe the review should be an open policy making process

While broader change is needed, we have three specific initial asks to address key issues and make the system fairer. Our three asks are:

1. **No automatic disclosure of cautions on criminal records**
2. **Wipe the slate clean for childhood offences**
3. **Stop forcing people to reveal short prison sentences forever**

How you can help

1. **Support a review of the criminal record system.** Call for a Home Affairs or Justice committee inquiry and/or for progressive reform to be included in your party's manifesto.
2. **Engage with and support constituents with cautions and convictions.** Meet with constituents facing difficulties because of their criminal record. If constituents need specific advice, signpost them to Unlock's helpline at <https://unlock.org.uk/the-helpline>
3. **Be a champion for FairChecks.** Speak to colleagues about the need for reform and work with us to influence progressive change by speaking out about FairChecks and joining events.

For more information visit www.fairchecks.org.uk or contact fairchecks@transformjustice.org.uk.