

# The Impact of Arrest and Criminal Convictions

*This is a first draft and we are seeking more information, so if you have any relevant experiences with an employer or in obtaining travel visas or any other effect of having a conviction please contact us: [info@activistslegalproject.org.uk](mailto:info@activistslegalproject.org.uk)*

## **The effect of arrest and conviction on employment/study**

If you are in **employment** then look at your job contract (before you take action!) to see if there are any clauses stating that a criminal conviction could lead to your dismissal. Often these clauses relate to offences committed whilst at work rather than in your spare time. Of course, arrest and conviction aren't the same thing, and getting arrested alone shouldn't be grounds for your dismissal. If your bosses are likely to be supportive then talk to them in general terms before you take action so that they are less shocked after it has happened, as you may need to take time off work later to travel to court cases etc. Also consider whether lots of local publicity about your arrest/conviction may upset your relationship with your employer. It's probably best to keep their name out of the paper. There are some professions where 'bringing the profession into disrepute' can mean that you get struck off and can no longer practice. For example if you are a solicitor and details of your conviction and the fact that you are a solicitor are emblazoned across the front page of the Sun newspaper, you could get struck off by the Law Society. So check with your professional body what the position might be, they usually have a confidential phone line.

The biggest impact of having a conviction is likely to be when you are **looking for new employment**. If the job you are applying for involves working with children or vulnerable people then you will, by law, be required to have a Criminal Records Bureau (CRB) check when you apply. The CRB check discloses all convictions (including 'spent' convictions, see later). You cannot be employed where these relate to certain offences against children or vulnerable adults, otherwise it is at the discretion of the employer whether to employ you. For other kinds of work the job application form may have a section asking about previous convictions (see below for info on what you must disclose). If you don't answer honestly and they find out you do have convictions then this would be grounds for your dismissal. If you do declare convictions make sure you explain what they are for, not simply that it was, say, a conviction for criminal damage, but explain why you did it. Your potential employer may decide you look like trouble. On the other hand they may see you as passionate about your issue and a potentially great new employee!

If you are a **student** check with your college/university whether there are any regulations which getting a conviction might breach. Ask other students at your campus who have convictions what the impact has been, if any. If you think your tutor is likely to be sympathetic, consider telling them about your intended action/arrest as you may need to miss some course work to go on the action or to go to court.

## **The duty to disclose convictions**

The Rehabilitation of Offenders Act (1974) provides that after a certain period of time (depending upon the length of your sentence) the conviction becomes 'spent' and there is no need to disclose it to a potential employer, insurance company, landlord, credit company. For example, a fine becomes spent after 5 years regardless of the amount. There is however a very large category of people for whom convictions can never be spent, including people working in the following professions: doctors, dentists, nurses and midwives, lawyers, opticians, teachers, police officers and people working with children and vulnerable people.

## **Applying for a Travel Visa**

There are potential difficulties in getting travel visas and entering certain countries for those with convictions. It is also difficult to know what is the best way to proceed, as the anecdotal information that we have is mixed. Australia and New Zealand have questions on their visa application forms requiring disclosure of convictions. We don't know what happens if you disclose your convictions, but we are aware that it is possible to obtain visas without disclosing convictions and then enter the country without any problem. The USA now requires you to attend for an interview at the Embassy if you have convictions. We know of people who have not declared convictions and have obtained visas and entered the country. We know of others who have been deported at the point of entry, after failing to disclose their 'activist' convictions. Any requirement to disclose convictions includes spent convictions unless the country has an Act equivalent to the Rehabilitation of Offenders Act.

## **Getting Insurance**

It can be hard to get household, business and other types of insurance if you have convictions. But it's not impossible, you may just have to shop around a bit more. There is a question on most insurance proposal forms asking about convictions, as with employers there is a duty to disclose your convictions unless they are 'spent'. Failure to disclose a conviction, which the insurer later finds out about, could invalidate your insurance policy.

For more briefings on legal issues relevant to grassroots activists and to find out about our workshops see our website: **[www.activistslegalproject.org.uk](http://www.activistslegalproject.org.uk)**

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