Summary

This information has been updated in April 2013 to reflect changes in insurance disclosure law, to help you buy the right insurance and make sure you are treated fairly. It provides a quick summary of the issues for people with convictions and what you can do about them. It applies to ‘consumer’ insurance only. This includes home (buildings and contents) insurance, as well as personal motor insurance. For more information, and for details on commercial insurance, we also publish a detailed guide.

Key facts

1. You only have to disclose convictions if you are asked
2. If you’re not asked directly, make sure you check any assumptions and terms/conditions of cover
3. If asked, you DO NOT have to disclose any convictions that are spent under the ROA
4. If asked, make sure you get written confirmation of what you’ve disclosed

Why am I asked about convictions?

Most insurance companies ask about criminal convictions because they believe it is relevant to the risk. Although this often seems unfair, they are, unfortunately, entitled to ask. If asked, you need to answer this question honestly and accurately. The questions will normally include the convictions of everyone covered by the policy, such as children or a partner. If you are not asked, you do not need to disclose.

If asked, what do I disclose?

Once a conviction is ‘spent’ under the Rehabilitation of Offenders Act 1974 (ROA), it never has to be disclosed to insurers. This is the case no matter what question an insurer asks you. The table has examples of the current ROA, although this is due to change in late 2013. Fixed penalty notices and pending prosecutions will need to be disclosed if you are asked.


How do I know whether my convictions are spent?

The ROA is very complicated, so it is difficult to know what is protected by the Act. However, there are a number of ways you can work out whether a conviction is spent. You can;

1. Use an online tool we have set up, at www.disclosurecalculator.org.uk
2. Obtain a basic disclosure or police subject access request
3. Call Nacro’s Resettlement Advice Service (020 7840 1212)
4. Read the ROA guide on our website

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Period† (18+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison/YOI: More than 30 months</td>
<td>Forever</td>
</tr>
<tr>
<td>Prison/YOI: More than 6 months up to 30 months</td>
<td>10 years</td>
</tr>
<tr>
<td>Prison/YOI: 6 months or less</td>
<td>7 years</td>
</tr>
<tr>
<td>Community Order / Probation</td>
<td>5 years</td>
</tr>
<tr>
<td>Fine</td>
<td>5 years</td>
</tr>
<tr>
<td>Absolute Discharge</td>
<td>6 months</td>
</tr>
<tr>
<td>Conditional caution</td>
<td>3 months</td>
</tr>
<tr>
<td>Simple caution, reprimands and final warnings</td>
<td>Immediately</td>
</tr>
</tbody>
</table>

†Period from date of conviction during which conviction is unspent
*Periods are shorter for people who were under 18 when convicted
When do I need to disclose?

You will need to disclose unspent convictions when you take out the policy. You do not have to disclose any convictions you get during a policy until renewal, unless there is an explicit condition in your policy.

What could happen when I disclose an unspent conviction?

Some insurers may refuse to offer you insurance, want to charge you more, or impose special terms. If you already have a policy, your insurer may cancel it and might refuse to pay any new claims and seek to get back the money from any previous claims. Alternatively, they may agree to continue your insurance up until renewal, increase your premium or impose special terms.

What could happen if I do not disclose an unspent conviction when asked?

If you are taking out new insurance, or already have a policy, it is quite possible that nothing will happen. However, you may be acting illegally and if your insurer does find out, your insurance could be cancelled or your premium increased. If you have not disclosed, you are not really protected by your insurance.

How might convictions affect making a claim?

If you disclosed everything that you were asked about when you took out the policy, there should be no problem. If you didn’t, your insurance company may ‘avoid’ the policy. This means that they will treat it as if it never existed and will not pay out on your claim. This may leave you unable to replace what you have insured, such as your house, car or business.

What if my insurer refuses to pay a claim?

In some circumstances, you may be able to challenge an insurer who is avoiding your policy. If your insurer cannot settle your complaint, you can go to the Financial Ombudsman Service (FOS). The FOS deal with complaints in a way that takes account of both the law and industry good practice. They will consider whether the insurer asked clear questions, whether their decision was influenced and whether you failed to disclose recklessly, deliberately, inadvertently or innocently.

Where can I get insurance?

- Unlock publishes a list of brokers who specialise in insurance for people with unspent convictions, as well as a list of motor insurers who do not ask about non-motoring convictions.
- There may be other insurers which are able to provide some cover for people with some unspent criminal convictions. Take extra care when seeking insurance from an insurer who does not ask questions about criminal convictions. Check any assumptions and terms/conditions of cover.
- If you are asked about convictions, ask for written proof that shows you have disclosed your conviction. You can use this if disclosure is disputed at claim stage.

For more information

Unlock Helpline - Information and advice on overcoming the long-term effects of convictions
- Call: 01634 247350 (press 1)
- Online: Enquiry form & www.unlock.org.uk
- Email: advice@unlock.org.uk
- Write: Helpline, Unlock, 35a High Street, Snodland, Kent, ME6 5AG