Disclosure and Criminal Convictions

Understanding Disclosure and Criminal Convictions

Many people have concerns about how a criminal conviction may affect their education, training or employment opportunities.

Understanding disclosure requirements is an important step in moving forward with confidence, but it can be complex. Having a criminal conviction does not automatically prevent someone from gaining employment, and support is available to help individuals understand their responsibilities and explore available opportunities.

Around one in five people in Scotland have some form of criminal conviction. Many people with convictions have valuable skills, experience and potential, yet concerns about disclosure and stigma can create unnecessary barriers to employment and training

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Key Messages

- Having a criminal conviction does not automatically prevent someone from gaining employment.
- Not all convictions need to be disclosed indefinitely.
- Different roles require different levels of disclosure.
- Many employers actively support fair and inclusive recruitment practices.
- Advice and support is available to help people understand disclosure requirements and prepare for recruitment processes.

What is Disclosure?

Disclosure refers to the process of sharing information about criminal convictions when applying for employment, volunteering opportunities, education or training.

The information that must be disclosed can vary depending on:

- The role being applied for.
- The level of disclosure required.
- The age of the conviction.
- The sentence imposed.
- Whether legislation allows a conviction to become spent.

Because every situation is different, it is important to seek advice if you are unsure what information should be disclosed.

Support Available

Support is available to help individuals:

- Understand disclosure requirements.
- Access information about their conviction history.
- Prepare for applications and interviews.
- Discuss convictions honestly and confidently.
- Understand disclosure certificates.
- Access specialist guidance for complex situations.
- Support may also be available to help individuals prepare disclosure statements and discuss convictions confidently during recruitment processes.

As well as supports listed on the employability page under the section ‘Support Available across Ayrshire’ you can get detailed advice and guidance about disclosure from:

- Scottish Government Website breaks down how long each conviction must be declared, from the date of conviction.
- Citizens Advice Scotland give advice on disclosure and declaring a criminal record.

An individual can apply for a basic disclosure from Disclosure Scotland which will detail their unspent conviction history. Individuals can also request information held about them by Police Scotland through a Subject Access Request

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Relevant Legislation

Several pieces of legislation govern the disclosure of criminal convictions in Scotland.

These include:

- Rehabilitation of Offenders Act 1974
- Management of Offenders (Scotland) Act 2019
- Police Act 1997
- Protection of Vulnerable Groups (Scotland) Act 2007

Legislation in this area can be complex and may change over time. For the most up-to-date information, please refer to Disclosure Scotland guidance.