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## UK Supreme Court Delivers Blow to Criminal Record Disclosure System

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The UK government has lost its case defending the multiple convictions rule, which requires an individual to disclose all spent convictions if he or she has two or more such convictions.

Generally, a conviction becomes “spent” after a certain period of time and thus does not need to be disclosed during a criminal records check. The intention is to give someone a second chance by preventing an old conviction from permanently impacting his or her reputation and career prospects. The time period required for a conviction to become spent varies depending on the seriousness of the offense.

However, this principle does not apply when someone has two or more convictions.

A recent case before the Supreme Court of the United Kingdom involved a job applicant—referred to as “P” in the court proceeding—who in 1999 was charged with shoplifting a book that cost 99p, an offense which was followed a few weeks later by a second offense of skipping bail when she failed to attend a court hearing related to the theft. That second offense meant she could not benefit from the spent convictions principle.

However, the Supreme Court ruled that the multiple convictions rule was “disproportionate” and “wrong in principle,” with the result that the government will need to disapply the rule. A government spokesperson said that the government will consider the ruling carefully before responding.

The takeaway for employers is that they must appreciate the possibility that spent convictions will not be revealed in UK criminal records checks, even in cases of individuals who have more than one such conviction.

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