

You

what about the removal of convictions
Copilot

The removal of convictions is a process that allows some people to have their criminal records **erased** or **sealed from public access**. This can help them to access employment, education, or other opportunities without being affected by their past mistakes. However, the **removal of convictions is not available for everyone**, and it depends on **the type of offence**, **the sentence**, **the time elapsed**, and **the jurisdiction**.

In **England** and Wales, there are **two main ways to remove convictions** from your record: **filtering** and **expungement**.

- Filtering is a process that automatically **removes cautions**, penalty fines, first reprimand warnings and in some occasions **spent convictions** **from standard or enhanced DBS checks**, which are background checks that employers or organisations can request for certain roles or activities.
- **Filtering does not erase the records from the police database**, but it prevents them from being disclosed to others. [Filtering rules changed in November 2020, allowing more people to benefit from this process¹](#).
- **Expungement** is a process that deletes the records from the police database entirely, as if they never existed. [Expungement is very rare and only possible in exceptional circumstances, such as when the conviction is quashed by a court, the arrest was unlawful, the allegation was false or malicious, or the case was incorrectly disposed of²³](#).

In addition, the government announced plans for new legislation in February 2024 to quash the convictions of hundreds of people who were wrongly convicted in the Post Office scandal, due to faulty software that falsely accused them of stealing money. [The law is expected to come into effect by the end of July 2024 and will apply to convictions in England and Wales that meet certain criteria⁴](#).

I hope this information helps you to understand the removal of convictions in England and Wales. If you have any specific questions about your own situation, you may want to consult a legal adviser or a charity that supports people with criminal records, such as Unlock.

Q 25-02-24

can you delete a criminal conviction in the UK from the record with the Rehabilitation of Offenders Act 1974 (ROA) in the UK

[The Rehabilitation of Offenders Act 1974 \(ROA\)](#) is a law that allows some criminal convictions to be ignored after a certain period of time, called the rehabilitation period¹. This means that you do not have to disclose your spent convictions when applying for most jobs, insurance, or other purposes². However, there are some exceptions to this rule, such as working with children, vulnerable adults, or in certain professions³. In these cases, you may have to disclose all your convictions, including the spent ones, and they may show up on a criminal record check⁴.

The length of the rehabilitation period depends on the type and severity of the sentence you received. [For example, a prison sentence of more than four years can never become spent, while a fine becomes spent after one year⁵. The rehabilitation periods were changed by the Police Crime Sentencing and Courts Act 2022, which came into force on 28 October 2023²](#). You can find more information about the rehabilitation periods and the exceptions to the ROA on the [GOV.UK website](#) or the [Unlock website](#).

To answer your question, you cannot delete a criminal conviction from the record with the ROA, but you may be able to ignore it after a certain time, unless it falls under the exceptions. I hope this helps. 😊

¹: [Rehabilitation of Offenders Act 1974 - Legislation.gov.uk](#) ²: [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK](#) ³: [Rehabilitation of Offenders Act 1974 - Wikipedia](#) ⁴: [What is the Rehabilitation of Offenders Act? | reed.co.uk](#) ⁵: [A simple guide to the Rehabilitation of Offenders Act 1974 \(ROA\)](#)

What laws or regulations can i delete a criminal conviction in the UK and who do i contact for each of your different answers.

According to the web search results, there is no formal way to request deletion of court convictions in the UK, unless there are exceptional circumstances. [However, you may be able to apply for the deletion of certain offences and/or records from the Police National Computer \(PNC\) through the Record Deletion Process \(RDP\)¹](#). The RDP is a review process and submitting an application does not guarantee that the offence(s) and/or record(s) will be deleted. [The decision is made by the owning police force²](#).

To apply for the RDP, you will need to complete an application form and provide proof of ID and proof of current address. You can find the application form and the guidance notes on the [ACRO Criminal Records Office website](#). You will also need to check if your offence(s) are eligible for review under this process. You can find more information about the eligibility criteria and the exceptions on the [Unlock website](#) or the [House of Commons Library website](#).

I hope this information is helpful. Please note that I am not a legal expert and this is not legal advice. You may want to consult a solicitor or a legal adviser before applying for the RDP. 😊

¹: [Retention and deletion of police cautions and convictions - Unlock Information and Advice](#) ²: [Record Deletion - acro.police.uk](#) ³: [Criminal records - The House of Commons Library](#)

REMOVING SPENT CONVICTIONS



A. The Removal of Spent Convictions 😊

1 In the United Kingdom, there are specific circumstances under which **time-spent cases** can be **erased** or **expunged** from an individual's criminal record. Here are some potential scenarios for having cases removed from an ACRO report in the UK: --

i. **Wrongful Conviction:** If an individual was wrongfully convicted and subsequently exonerated through new evidence, the wrongful conviction should be removed from the ACRO report. **This would mean contacting the courts with a N1 Claim form and/or relevant police force with a pre action conduct letter.**

ii. **The Right to Rehabilitation:** a. The Rehabilitation of Offenders Act 1974: This act in the UK allows certain convictions to become "spent" after a specified period, which means they no longer need to be disclosed.

iii. The Right to Erasure:

In terms of data storage or archiving, the UK's Data Protection Act 2018 and the General Data Protection Regulation (GDPR) provide individuals with a right to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

This includes data related to spent convictions.

However, the process may not be automatic and individuals may need to make a formal request.

2 **Understanding Spent Convictions:** A spent conviction is a criminal record that, after a certain period of time, becomes legally 'spent' and doesn't need to be disclosed in most circumstances. The idea behind spent convictions is to give individuals who have made mistakes in the past a second chance, allowing them to reintegrate into society without the burden of a criminal record.

3 **Rehabilitation Period:** The rehabilitation period varies depending on the nature and severity of the offense. In the UK, the Rehabilitation of Offenders Act 1974 dictates when a conviction becomes spent. For example, a conviction resulting in a prison sentence of 4 years or more will never become spent. For shorter sentences, the rehabilitation period may be shorter. During the rehabilitation period, the individual must demonstrate good behaviour and not commit any further offenses.

4 **Removal of Spent Convictions from an ACRO Report:** ACRO is an organization that maintains the Police National Computer (PNC), which holds criminal record information. ACRO reports are often used for background checks by employers, visa applications, and

other purposes. Once a conviction becomes spent according to the legal framework, there is generally no obligation to disclose it, and it can be removed from the ACRO report.

However, the process of removal may not happen automatically.

The individual may need to apply for the removal of spent convictions from their ACRO report.

- i. Applying for Removal:** The process for applying for the “Removal of Spent Convictions” from an ACRO report typically involves submitting an application to ACRO or the Disclosure and Barring Service (DBS) in the UK. The applicant needs to provide details of the conviction, including dates, location, and case numbers, and may need to pay a fee. ACRO or DBS will review the application, verify the spent status of the conviction, and, if eligible, remove it from the report.
 - ii. Exceptions:** Certain professions and roles, such as working with vulnerable individuals or in law enforcement, may require individuals to disclose spent convictions. Spent convictions might not be removed from an ACRO report if they fall under these exceptions.
 - iii. Impact on Individuals:** The removal of spent convictions from an ACRO report can be crucial for individuals seeking employment, housing, or visas, as it allows them to move forward without the stigma of a past offense. It supports the principles of rehabilitation and reintegration into society.
- 5 Youth Offenses:** For cases involving offenses committed by individuals under the age of 18, there are provisions in the law to have these records sealed or become spent after a certain number of years, depending on the severity of the offense.
 - 6 Non-Conviction Records:** Cases marked as "NFA" (No Further Action) or "Not Guilty" should typically be removed from the ACRO report, as they indicate that no conviction occurred.
 - 7 Pardons:** If an individual receives a pardon or a royal prerogative of mercy, the associated convictions can be removed from the ACRO report.
 - 8 Human Rights Violations:** Cases that, if retained, would constitute a violation of an individual's human rights or cases that could lead to unjust discrimination, may be eligible for removal.
 - 9 Data Protection Laws:** The UK's Data Protection Act and General Data Protection Regulation (GDPR) provide individuals with rights to request the erasure of their personal data in certain situations, which can include the removal of old or irrelevant criminal records.
 - 10 Record Expungement Laws:** The UK may introduce specific laws or policies regarding the expungement or removal of certain types of convictions.
 - 11 Protection of Vulnerable Groups (PVG) Scheme:** In Scotland, certain convictions can be removed from an individual's PVG Scheme record if they meet specific criteria.

Pre Copilot Chat with Bing

Yes, the information you provided is correct and I can provide some updates based on the latest changes in the law.

[The Rehabilitation of Offenders Act 1974 \(ROA\) in the UK dictates when a conviction becomes spent¹. The rehabilitation periods depend on the sentence given or disposal administered as a result of a conviction and the age of the individual on the date they are convicted¹.](#)

[As of 28 October 2023, the government legislation has updated the rehabilitation periods¹. For example, a custodial sentence of more than 4 years **not for a schedule 18 offence** becomes spent at the end of the period of 7 years beginning with the day on which the sentence \(including any licence period\) is completed¹.](#)

However, certain sentences are excluded from rehabilitation and will always be disclosed¹.

These include sentences of: -- imprisonment for life, sentences of imprisonment, youth custody, detention in a young offender institution or corrective training of over four years **for a schedule 18 offence**, sentences of preventive detention, sentences of detention at His Majesty's pleasure, sentences of custody for life, and public protection sentences¹.

The process for applying for the **removal of spent convictions** typically involves submitting an application to ACRO or the Disclosure and Barring Service (DBS) in the UK².

The applicant needs to provide details of the **conviction**, including dates, location, and case numbers, and may need to pay a fee².

ACRO or DBS will review the application, verify the spent status of the conviction, and, **if eligible**, remove it from the report².

Certain professions and roles, such as working with vulnerable individuals or in law enforcement, may require individuals to disclose spent convictions².

Spent convictions might not be removed from an ACRO report if they fall under these exceptions².

The removal of spent convictions from an ACRO report can be crucial for individuals seeking employment, housing, or visas, as it allows them to move forward without the stigma of a past offense².

It supports the principles of rehabilitation and reintegration into society².

For cases involving offenses committed by individuals under the age of 18, there are provisions in the law to have these records sealed or become spent after a certain number of years, depending on the severity of the offense².

Cases marked as "NFA" (No Further Action) or "Not Guilty" should typically be removed from the ACRO report, as they indicate that no conviction occurred².

If an individual receives a pardon or a royal prerogative of mercy, the associated convictions can be removed from the ACRO report².

Cases that, if retained, would constitute a violation of an individual's human rights or cases that could lead to unjust discrimination, may be eligible for removal².

The UK's Data Protection Act and General Data Protection Regulation (GDPR) provide individuals with rights to request the erasure of their personal data in certain situations, which can include the removal of old or irrelevant criminal records².

The UK may introduce specific laws or policies regarding the expungement or removal of certain types of convictions².

In Scotland, certain convictions can be removed from an individual's PVG Scheme record if they meet specific criteria².

Sure, I can provide a timestamp for our conversation. The conversation started on **Thursday, 16 November 2023 at 18:06:27 GMT. P**

what is a complete explanation of all UK schedule 18 offences

Schedule 18 of the Sentencing Act 2020 in the UK lists "specified offences" for the purposes of section 306¹². These offences are categorized into three parts: **violent offences**, **sexual offences**, and **terrorism offences**¹.

Here's a brief explanation of how these offences are treated:

- These provisions are engaged when:
 - A defendant is convicted of a “specified offence”
 - The defendant is deemed “dangerous”
 - A sentence of imprisonment for life is not available or justified
 - [The offender has a previous conviction for an offence listed in Schedule 14 SA 2020, or the current offence justifies an appropriate custodial term of at least four years¹](#)
- Section 306 SA 2020 provides that a “specified offence” is a violent, sexual, or terrorism offence listed in Schedule 18 SA 2020. [This includes a wide range of indictable offences which fall within these three categories¹](#).
- [Part 1 of Schedule 18 SA 2020 lists violent offences, Part 2 lists sexual offences, and Part 3 lists terrorist offences¹](#).
- [The court must assess whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences¹](#).

For a complete list of offences under Schedule 18, you can refer to the [Sentencing Act 2020](#) on the UK Legislation website. Please note that this is a complex legal document and may require legal expertise to fully understand. If you need legal advice, please consult a legal professional.

For the Council's & Other Removals of Data

[Under the General Data Protection Regulation \(GDPR\), individuals have the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing and this includes data related to spent convictions.](#)

Here's a brief overview of the process:

1. **Recognizing a Request:** The first step is to recognize when a request for erasure has been made. [This can be done verbally or in writing¹](#).
2. **Responding to the Request:** Once a request has been made, the organization has [one month to respond¹](#). They must also have processes in place to ensure that they respond to a request for erasure without undue delay¹.
3. **Evaluating the Request:** The right to erasure is not absolute and only applies in [certain circumstances¹](#). For example, individuals have the right to have their personal data erased if the personal data is no longer necessary for the purpose which it was originally collected or processed for¹.
4. **Executing the Erasure:** If the request is valid, the organization must erase the personal data. [They should have appropriate methods in place to erase information¹](#).
5. **Informing Others:** If the organization has shared the personal data with others, they [must inform them about the erasure of the personal data¹](#).

Please note that this is a general guideline and the actual process may vary depending on the specific circumstances of each case. Always consult with a legal professional for advice tailored to your specific circumstances.

