

## Appendix A

### The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 (ROA) enables certain convictions to become 'spent' (or legally ignored) after a 'rehabilitation period'. After this period, a person with a 'spent' conviction is not required to declare it when applying for most jobs, unless the role is 'exempt' from the Act.

The tables below detail the rehabilitation periods of the more common sentences. For custodial and community sentences the rehabilitation period includes an additional 'buffer period' that runs from the end of the sentence. This 'buffer period' is determined by the length of total sentence imposed.

#### Rehabilitation periods for custodial sentences and community sentences (with buffer period)

Sentence/disposal	Buffer period for adults (aged 18 and over when convicted) from end of sentence including licence period	Buffer period for young people (aged under 18 when convicted) from end of sentence including licence period
Community order or youth rehabilitation order	1 year	6 months
Imprisonment or detention in a young offender institution for 6 months or less	2 years	18 months
Imprisonment or detention in a young offender institution for over 6 months and up to and including 30 months (2½ years)	4 years	2 years
Imprisonment or detention in a young offender institution for over 30 months (2½ years) and up to 48 months (4 years)	7 years	3½ years
Imprisonment or detention in a young offender institution for over 48 months (4 years) or a public	Never 'spent'	Never 'spent'

Sentence/disposal	Buffer period for adults (aged 18 and over when convicted) from end of sentence including licence period	Buffer period for young people (aged under 18 when convicted) from end of sentence including licence period
protection sentence		

#### Examples of 'spent' periods for custodial sentences:

- John receives a three-month custodial sentence as an adult (he is aged 18 or over when convicted). His sentence may become 'spent' after two years and three months: the rehabilitation period is the total sentence of three months (including the licence period) and the additional 'buffer period' of two years as he received a total sentence of six months or less.

#### Examples of 'spent' periods for community sentences:

- Michelle receives a one-year youth rehabilitation order (she is under 18 when convicted). Her sentence may become 'spent' after 18 months: the rehabilitation period is the total length of the order (one year or 12 months) plus the additional buffer period of six months.

#### Rehabilitation periods for sentences which start from the date of conviction (with no buffer period)

Sentence/disposal	Rehabilitation period for adults (aged 18 or over at the time of conviction or at the time the disposal is administered)	Rehabilitation period for young people (aged under 18 at the time of conviction or at the time the disposal is administered)
Simple caution/youth caution*	'Spent' immediately	'Spent' immediately
Conditional caution/youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Absolute discharge	'Spent' immediately	'Spent' immediately
Reparation order	'Spent' immediately	'Spent' immediately
Bind over	At the end of the order	At the end of the order
Conditional discharge	At the end of the order	At the end of the order



Sentence/disposal	Rehabilitation period for adults (aged 18 or over at the time of conviction or at the time the disposal is administered)	Rehabilitation period for young people (aged under 18 at the time of conviction or at the time the disposal is administered)
order		
Fine	1 year	6 months
Compensation order	When paid in full	When paid in full
Hospital order (with or without restriction)	At the end of the order	At the end of the order
Referral order	At the end of the order	At the end of the order
Relevant order	When the order ceases to have effect	When the order ceases to have effect
Endorsements *	5 years	2½ years

Comprehensive guidance on the ROA and other rehabilitation periods can be found on the Nacro website. For further advice, support or training on the ROA, contact Employer Advice Service Tel: 0845 600 3194 or Email: [employeradvice@nacro.org.uk](mailto:employeradvice@nacro.org.uk).