



# The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 (ROA) enables most cautions and convictions to become 'spent' (or legally ignored) after a 'rehabilitation period'. After this period, a person with a 'spent' caution or 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 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 non-custodial sentences – which start from the date of conviction**

Sentence/disposal	Rehabilitation period for adults (aged 18 or over on the date of conviction /the disposal is administered)	Rehabilitation period for young people (aged under 18 on the date of conviction/the disposal is administered)
Caution/youth caution	'Spent' immediately	'Spent' immediately
Diversionary caution/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	N/A	'Spent' immediately
Referral order	N/A	At the end of the order
Conditional discharge order	At the end of the order	At the end of the order
Fine	1 year	6 months
Compensation order	Once paid in full	Once paid in full
Hospital order (with or without restriction)	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
Community order/youth rehabilitation order	At the end of the order	At the end of the order

**Rehabilitation periods for custodial sentences – which have a ‘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
Imprisonment or detention in a young offender institution for 12 months (1 year) or less	1 year	6 months
Imprisonment or detention in a young offender institution for over 12 months (1 year) and up to and including 48 months (4 years)	4 years	2 years
Imprisonment or detention in a young offender institution for over 48 months (4 years)	7 years	3½ years
Imprisonment or detention in a young offender institution for <b>over 48 months (4 years)</b> following a conviction for any serious violent, sexual, or terrorist offences listed in Schedule 18 of the Sentencing Act 2020, <b>or a public protection sentence (of any length)</b>	Never ‘spent’	Never ‘spent’

### Examples of ‘spent’ periods for custodial sentences:

- > Michelle receives a 12-month/1-year custodial sentence as an adult (she is aged 18 or over when convicted). Her sentence **may become ‘spent’ after two years**: the rehabilitation period is the total sentence of 12 months/1-year (including the licence period) and the additional ‘buffer period’ of 1-year as she received a total sentence of 12 months/1-year or less.
- > Jamie receives a 7-year custodial sentence as an adult (he is aged 18 or over when convicted) for supply of class A drugs. His sentence **may become ‘spent’ after 14-years**: the rehabilitation period is the total sentence of 7-years (including the licence period) and the additional ‘buffer period’ of 7-years.
- > John receives a 5-year custodial sentence as an adult (he is aged 18 or over when convicted) for wounding with intent to cause grievous bodily harm. His sentence **may never become ‘spent’** as it is for a conviction of over 48-months/4-years for a serious violent offence listed in Schedule 18 of the Sentencing Act 2020.
- > If, John had instead received a **4-year custodial sentence** for wounding with intent to cause grievous bodily harm his sentence **may become ‘spent’ after 8-years**: the rehabilitation period is the total sentence of 4-years (including the licence period) and the additional ‘buffer period’ of 8-years.

Comprehensive guidance on the ROA (including other rehabilitation periods) can be found on the Nacro [website](#).

The MoJ Disclosure Checker [www.gov.uk/tell-employer-or-college-about-criminal-record/check-your-conviction-caution](http://www.gov.uk/tell-employer-or-college-about-criminal-record/check-your-conviction-caution) can help you work out when/if your caution(s) and/or convictions may become spent.

Further advice and guidance on disclosing criminal records can be obtained from [Nacro’s Criminal Record Support Service](#) Tel: 0300 123 1999 Email: [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)

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