Ministry of Justice

# Reforming Childhood Criminal Records Disclosure

November 2026

CP 1703




Government of the United Kingdom

**Ministry of Justice**

# Reforming Childhood Criminal Records Disclosure

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of His Majesty

November 2026

CP 1703

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# About this consultation

| | |
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| **To:** | This consultation is open to all members of the public. We welcome responses from anyone impacted by having to disclose a youth criminal record, organisations working in the youth justice sector, organisations that support people with criminal records and organisations that support safeguarding for children or vulnerable adults, and employers and organisations that use criminal record disclosure to inform employment and licensing decisions, particularly in relation to safeguarding. |
| **Duration:** | From 12/11/26 to 24/12/26 |
| **Enquiries (including requests for the paper in an alternative format) to:** | Youth Justice Policy Unit<br>Ministry of Justice<br>102 Petty France<br>London SW1H 9AJ<br><br>Email: youthjustice.criminalrecords@justice.gov.uk |
| **How to respond:** | Please submit your response via Consult Justice: https://consult.justice.gov.uk/digital-communications/reforming-childhood-criminal-records-disclosure |
| **Additional ways to respond:** | For further information please use the ‘Enquiries’ contact details above. |
| **Response paper:** | A response to this consultation exercise may be published in due course at: https://consult.justice.gov.uk/ |

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# Foreword

Our justice system must protect the public, hold offenders to account and give people who have changed their lives the opportunity to move forward.

These principles are especially important when it comes to children. Offending must have consequences, but we must also recognise that children grow up, mature and change. An offence committed in childhood should not necessarily define someone's opportunities for the rest of their life.

Yet for some, this happens and unnecessarily blights their future rehabilitative prospects. Even relatively minor offences committed at a young age can still show up on a criminal records check years later, making it harder for them to get a job, access education or volunteer in their community.

For those who have turned their lives around, this can mean being shut out of the very opportunities that would help them stay on the straight and narrow. We know that employment can play an important role in reducing reoffending. When people are able to find work, contribute to their communities and build a better future, we all stand to benefit. If we prevent further offending, we prevent future victims.

Many young people who offend do not go on to lead lives of crime. They take responsibility, turn their lives around and want to make something of themselves. When they do, we should recognise that progress and support them – not put unnecessary barriers in their way.

None of this means overlooking the seriousness of offending, or compromising on public safety. Employers and other organisations must continue to have access to the information they need to make informed decisions, especially where safeguarding is concerned. It is right, however, to ask whether the current system always strikes the right balance between protecting the public and recognising the capacity of young people to change.

As Alan Milburn has highlighted in his review of young people and work, too many young people are being held back from building productive, fulfilling lives. For those with childhood criminal records, these barriers can be particularly difficult to overcome, many years after they have served their sentence.

In our Youth Justice White Paper, 'Cutting Youth Crime. Changing Young Lives', we committed to consulting on changes to the disclosure of childhood criminal records. This consultation delivers on that commitment and forms part of our wider ambition to tackle youth crime, reduce reoffending and give young people a better chance to succeed.

We are seeking views on targeted, proportionate reforms to ensure that the disclosure system continues to protect the public, without placing unnecessary obstacles in the way of those who have turned their lives around.

I encourage everyone with an interest in this issue – including employers, safeguarding organisations, those working across the justice system, people with lived experience and members of the public – to contribute their views.

Ultimately, this is not just about fairness. It is about giving people a reason to stay on the right path, helping them build better lives and, ultimately, reducing crime and making our communities safer.

A childhood mistake should have consequences. But it should not become a life sentence. This government is determined to get that balance right.

**Jake Richards MP**

**Parliamentary Under-Secretary of State for Sentencing, Human Rights and Technology**

# Executive summary

The criminal records disclosure regime is intended to strike a balance between rehabilitation and public protection – between enabling ex-offenders to move on with their lives while safeguarding the public, including the most vulnerable. At present, the regime in England and Wales has some of the strictest disclosure requirements across comparable countries when it comes to childhood offending.[1] As set out in the May 2026 Youth Justice White Paper, 'Cutting Youth Crime. Changing Young Lives', the government will undertake a consultation on targeted and proportionate potential changes to reform the regime for childhood offending.[2]

The case for change is clear. Children have an inherent propensity to change and mature, and the current criminal record regime does not sufficiently recognise this. The evidence is clear that many offenders first convicted in their childhood do not go on to offend persistently into adulthood.[3] We know that children are more vulnerable to manipulation and exploitation and this can be a significant driver of childhood offending. As the Rt Hon Alan Milburn's review has made clear, this country's young people should not face unnecessary barriers to the opportunities of education, employment and training and the greater risk of criminality by being denied this.[4]

Public protection and safeguarding (particularly of vulnerable people, including children) are vitally important. Children commit serious, violent crimes. Employers should and will know about this relevant information when considering a candidate's suitability for a role.

This consultation sets out the government's proposals for potential reforms to the criminal record regime for childhood offending. In particular, the proposals aim to reduce the number of childhood convictions that must be disclosed for life on standard and enhanced checks (the type of criminal record checks required for sensitive roles, for example working

1 Standing Committee for Youth Justice, 'Growing up, Moving on: the international treatment of childhood criminal records', 2016, available at: https://www.ayj.org.uk/news-content/the-international-treatment-of-childhood-criminal-records-a-comparison-of-16-jurisdictions

2 Ministry of Justice, 'Cutting youth crimes, changing young lives', last updated 22 June 2026, available at: https://www.gov.uk/government/publications/cutting-youth-crime-changing-young-lives

3 https://hmiprobation.justiceinspectorates.gov.uk/our-research/evidence-base-probation-service/specific-sub-groups/young-adults/ and Megan C. Kurlycheck, Robert Brand, Shawn D. Bushway, 'Scarlet letters and recidivism: does an old criminal record predict future offending?', Criminology and Public Policy, Volume 5, Issues 13, 2006, available at: https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1745-9133.2006.00397.x?msockid=226e7a62af4368a001426deaaece6943#fn1

4 Department for Work and Pensions, 'Young people and work: interim report', last updated 10 August 2026, available at: https://www.gov.uk/government/publications/young-people-and-work-interim-report

with children) where it is proportionate to do so. They also aim to reduce or remove the automatic disclosure of childhood fines and out of court resolutions on basic checks (the type of criminal records check that can be used for any type of role or purpose).

In developing our proposals, we have focused on supporting young people to move on from earlier offending while continuing to protect the most vulnerable. We have therefore ensured that lifelong disclosure requirements remain for the most serious offences (including violent, terrorism-related and sexual offences). This government remains committed to tackling violence against women and girls. So some offences must and should always be disclosed even if that offence was committed as a child and there has been no further reoffending.

## Reform proposals

The proposed reforms in this consultation are as follows:

1. Create a narrower list of ‘specified offences’ that applies to childhood convictions only (these are offences that require lifelong disclosure on standard and enhanced checks).

2. End lifelong disclosure on standard and enhanced checks for childhood convictions which resulted in a custodial sentence of two years or less.

3. Reduce or remove the rehabilitation period for childhood convictions resulting in a fine.

4. Remove the automatic disclosure for any childhood out of court resolution.

5. Remove the ‘drag-on’ rule for childhood convictions.

More information regarding these proposals can be found in the main body of this document, alongside questions for your consideration.

All reform options under consideration will require legislative changes when parliamentary time allows.

This consultation is not proposing any changes to the Disclosure and Barring Service barring scheme.[5] We are not proposing any changes to this scheme which plays an essential role in preventing people who pose a risk from working with children or vulnerable adults. This consultation is only concerned with information about childhood criminal convictions or cautions that are disclosed to employers to help inform (rather than dictate) their recruitment decisions.

[5] Disclosure and Barring Service, ‘Barring referrals’, last updated 15 June 2026, available at: https://www.gov.uk/guidance/barring-referrals

**Key terms and definitions**

- **Criminal record –** this is created on the Police National Computer (PNC) and can include a person's criminal convictions, cautions and other relevant information. Details are kept on the PNC until the individual is 100 years old and can be accessed by the police. This does not mean that they will be disclosed as part of a criminal record check or require an individual to disclose if the conviction is regarded as spent.

- **Disclosure and Barring Service (DBS) –** the body responsible for issuing criminal record certificates in England and Wales, including **basic**, **standard** and **enhanced** checks, which disclose different levels of criminal record information.

- **Basic check –** can be requested by an employer or voluntary organisation for any type of role as part of their recruitment process. It can be carried out via self-disclosure (for example, by answering questions in an application form) or by obtaining a basic certificate from the DBS. Basic checks will only disclose unspent convictions or cautions.

- **Standard and enhanced checks –** can only be requested for an employee or prospective employee in the context of employment or volunteering (including self-employment) if that individual is engaged in an activity listed in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. The roles set out in the Exceptions Order include 'sensitive roles'. In the case of enhanced checks, the activity or position is also included in regulations made under the Police Act 1997. Standard and enhanced checks will include both unspent and spent convictions and cautions, subject to filtering rules. In addition, enhanced checks allow chief police officers to exercise discretion in disclosing any information held by local police that they consider relevant to the role an individual is applying for and ought to be disclosed. Standard and enhanced checks can be carried out via self-disclosure (for example, by answering questions in an application form) or by obtaining a standard or enhanced certificate from the DBS.

- **Sensitive roles** – work or activities which involve positions of public trust, for example, law, finance or security, and work with children or vulnerable adults (for example, teachers, carers, nurses) as set out in the Exceptions Order and other relevant legislation. These roles are eligible for standard or enhanced checks.

- **Filtering** – The Exceptions Order and the Police Act 1997 include a 'filtering scheme' of 'protected' spent convictions and cautions which do not need to be disclosed and are 'filtered' off standard and enhanced DBS certificates. Both pieces of legislation also set out a list of specified offences, for example, serious offences which relate to

sexual offending, violent offending and/or are relevant to safeguarding children or vulnerable adults, which are never filtered off a standard or enhanced DBS certificate.

- **Rehabilitation of Offenders Act 1974 (ROA)** – this primarily exists to support the rehabilitation into employment of those with convictions who have ceased offending and wish to turn their lives around. Under the ROA, all cautions and most convictions may become 'spent' after a specified period of time, known as the 'rehabilitation period'.

- **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Exceptions Order)** – creates exceptions to the ROA with the effect that in some circumstances, spent as well as unspent convictions and cautions must be disclosed and may be taken into account when assessing a person's suitability for certain roles or activities. There are certain activities for which fuller disclosure of a person's criminal record history is relevant, for example, the protection of vulnerable groups, for roles working with children and vulnerable adults.

- **Police Act 1997** – governs the provision of criminal records checks, including what is disclosed on standard and enhanced checks.

- **Spent** – once a caution or conviction becomes spent, the offender is treated as though they never committed the offence for which they were cautioned or convicted and can withhold the fact or information about their caution or conviction, unless an exception applies.

- **Specified Offences List (SOL) –** a list of over 900 offences which are referred to as 'listed offences' in the Exceptions Order. They include, for example, sexual, violent, and terrorism-related and trust-based offences. Spent convictions and adult cautions for specified offences cannot become 'protected' so will never be filtered off standard or enhanced checks.

- **Custody rule –** under the 'custody' filtering rule convictions resulting in a custodial sentence are disclosed for life on standard and enhanced checks.

- **Out of Court Resolution (OOCR)** – an alternative to taking children to court. There are two types, statutory and non-statutory. They are used when an individual has committed a low-level offence and where it is deemed appropriate to divert from the formal system (courts and custody).

- **'Drag-on' rule –** where a person commits another offence before the first has become spent, then the rehabilitation periods are extended to the longest period. This is set out in section 6 of the ROA and referred to as 'the drag-on rule'. This means

that if a second conviction occurs before a first conviction reaches the end of its rehabilitation period, neither conviction can become spent until the end of the longer rehabilitation period of the two. The intent of ‘drag-on’ is that employers can see an individual’s pattern of offending and a lack of rehabilitation (it also means the offender loses the ability to be rehabilitated for either conviction until the longer of the two rehabilitation periods ends). This can support an employer’s suitability decisions and their consideration of risk mitigations.

# Introduction

Criminal records disclosure is the framework that determines when information about an individual's cautions and convictions must be disclosed for employment, licensing, safeguarding and other purposes.

Over the past decade, parliamentarians, third sector organisations and independent bodies have identified areas of concern within the criminal records regime, particularly when it comes to convictions and cautions received by children. As well as having stricter disclosure requirements for childhood offending compared to many other countries, other areas of the youth justice system in England and Wales have a more distinct legal framework that better recognises children's different maturity.

Requirements by employers or sectors for individuals to disclose a criminal record can create barriers to education, employment and other opportunities at the exact point where children can be trying to leave their offending behaviour behind. In 2024, Department for Work and pensions (DWP) analysis found that a criminal record was the second most frequently cited barrier to hiring people from disadvantaged groups, reported by 47% of employers.[6] This can unfairly disadvantage individuals with childhood convictions whose conduct may reflect the transient features of adolescence, such as impulsivity and peer influence rather than a persistent pattern of criminality. As children transition into adulthood and these developmental factors recede, many will cease offending altogether.

Qualitative research carried out by DWP found that some ex-offenders had a strong desire to move on after conviction but felt 'stuck' due to their criminal record limiting their future employment opportunities.[7] The Milburn Report, published in May 2026, noted that young men who are not in education, employment or training (NEET) are five times more likely to hold a criminal record.[8] Research consistently suggests creating barriers to opportunity is counterproductive given employment is associated with lower rates of reconviction.

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6 Department for Work and Pensions, 'Employer Survey 2024: Diversity and disadvantaged groups', May 2025, available at: www.gov.uk/government/publications/dwp-employer-survey-2024

7 Department for Work and Pensions, 'Qualitative research with disadvantaged groups on Universal Credit covering: care experience, ex-offenders, homelessness and substance dependency', 28 May 2026, available at: https://www.gov.uk/government/publications/qualitative-research-with-disadvantaged-groups-on-universal-credit-covering-care-experience-ex-offenders-homelessness-and-substance-dependency/qualitative-research-with-disadvantaged-groups-on-universal-credit-covering-care-experience-ex-offenders-homelessness-and-substance-dependency

8 Department for Work and Pensions, 'Young people and work: interim report', last updated 10 August 2026, available at: https://www.gov.uk/government/publications/young-people-and-work-interim-report

Through this consultation, we are assessing several features of the criminal record disclosure regime which may create unnecessary and, in some cases, long-lasting barriers to rehabilitation for individuals who offended during childhood.

In particular, these potential reforms aim to limit lifetime disclosure of some childhood convictions through standard and enhanced checks for sensitive roles; they aim to reduce the length of time childhood fines have to be disclosed on basic checks and they aim to end the automatic disclosure of any type of out of court resolution. In developing our proposals, we focused on ensuring serious violent and sexual offending is treated with the utmost importance, and that criminal record checks continue to protect the most vulnerable. This government remains committed to tackling violence against women and girls.

## The current system

The criminal records regime in England and Wales determines what information offenders are required to disclose and to whom based on a set of rules contained within the Rehabilitation of Offenders Act 1974 (‘the ROA’), and the Rehabilitation of Offenders Act (Exceptions) Order 1975 (‘the Exceptions Order’) and the Police Act 1997. It is comprised of several elements, with shared policy responsibility between the Home Office, which oversees safeguarding elements, and the Ministry of Justice, which oversees rehabilitative elements. The DBS processes and issues basic and standard and enhanced DBS certificates for England, Wales, the Channel Islands and the Isle of Man.

Disclosure rules apply to information that is disclosed on basic, standard and enhanced certificates and where an individual chooses to or is asked to self-disclose information.

There are two key strands to disclosure: basic checks and standard and enhanced checks.

### Basic checks

Basic checks can be requested for any role or purpose and are commonly used across the labour market as additional reassurance for employers or a ‘best practice’ recruitment tool. Basic checks are most commonly requested through self-disclosure (for example, employer questionnaires, contractual declarations). They only disclose unspent cautions and convictions (for example, where any rehabilitation period has not ended).

The following table shows the current rehabilitation periods for custodial sentences, cautions and fines.

| Sentence or disposal | Rehabilitation period if aged under 18 when convicted or disposal administered | Rehabilitation period if aged 18 or over when convicted or disposal administered |
|---|---|---|
| Life imprisonment, Detention at His Majesty's Pleasure, sentences of imprisonment or detention for public protection and custodial sentences of over four years imposed for a Schedule 18 offence (serious violent, sexual and terrorism-related offences).[9] | These sentences are excluded from rehabilitation under the ROA meaning they cannot become spent and will always be disclosed. | |
| A custodial sentence of more than four years (not for a Schedule 18 offence). | The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed. | The end of the period of seven years beginning with the day on which the sentence (including any licence period) is completed. |
| A custodial sentence of more than one year and up to, or consisting of, four years. | The end of the period of two years beginning with the day on which the sentence (including any licence period) is completed. | The end of the period of four years beginning with the day on which the sentence (including any licence period) is completed. |
| A custodial sentence of one year or less. | The end of the period of six months beginning with the day on which the sentence (including any licence period) is completed. | The end of the period of 12 months beginning with the day on which the sentence (including any licence period) is completed. |
| Simple caution, youth caution. | Spent immediately. | |
| Conditional caution, youth conditional caution. | Three months or when caution ceases to have effect if earlier. | |

[9] Sentencing Act 2020, available at: https://www.legislation.gov.uk/ukpga/2020/17/schedule/18

| Sentence or disposal | Rehabilitation period if aged under 18 when convicted or disposal administered | Rehabilitation period if aged 18 or over when convicted or disposal administered |
|---|---|---|
| A fine. | The end of the period of six months beginning with the date of the conviction in respect of which the sentence is imposed. | The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed. |

If an individual has an unspent conviction and they get a further conviction before the earlier one becomes spent, then neither conviction will become spent until the rehabilitation periods for both offences are over. If the latter conviction is excluded from rehabilitation, then neither the second nor the first conviction will ever become spent. This is known as the 'drag-on' rule and we are considering changing this in relation to childhood offending (see proposal 5).

**Standard and enhanced checks for regulated activity or 'sensitive' roles**

There are certain exceptions where someone may be asked to disclose their caution or conviction, even if it is considered spent. As well as being asked to disclose their cautions and convictions, employers, organisations, licensing bodies or certain self-employed individuals will be able to request the same information from the DBS who will issue a standard or enhanced criminal records check to the individual concerned.

Standard checks can only be obtained for roles that are set out in the Exceptions Order. These roles encompass a wide variety of occupations which require fuller disclosure of a person's criminal record history. Examples include licensed security operatives, barristers and solicitors, chartered accountants and registered pharmacists. Standard checks disclose both unspent and some spent cautions and convictions except those which are protected and can be filtered off under the Exceptions Order and Police Act.

Enhanced checks can only be obtained where a role is specified in the Exceptions Order and regulations made under the Police Act 1997. Eligible roles are concentrated in areas involving safeguarding, care and public protection. For example, roles working with children or vulnerable adults such as teachers, foster parents, carers or doctors. As with standard checks, enhanced checks disclose both unspent and spent cautions and convictions, except those which are protected and can be filtered off under the Exceptions Order and Police Act. In addition, enhanced checks allow chief police officers to exercise discretion in disclosing any information held by local police that they consider relevant to the role and proportionate to disclose.

Spent childhood convictions cannot become protected and filtered off standard and enhanced checks if they:

- resulted in a custodial sentence
- were for a specified offence
- were given less than 5.5 years ago (less than 11 years ago for an adult conviction)

Youth cautions become spent immediately and are not disclosed on a standard or enhanced check. Youth Conditional Cautions are disclosed until they become spent (usually three months).

### Summary of disclosure rules

| **Non-SOL offence disposal** | **Basic check** | **Standard and enhanced check** |
|---|---|---|
| Youth Cautions | Not Disclosed | Not Disclosed |
| Youth Conditional Cautions | 3 months | 3 months |
| Fines | 6 months | 5 years, 6 months (where there is a youth conviction) |
| Driving Endorsements | 2 years, 6 months | 5 years, 6 months (where there is a youth conviction) |
| Community rehabilitation orders[10] | Length of orders | 5 years, 6 months |
| A custodial sentence of 1 year or less | 6 months | **Lifelong** |
| A custodial sentence of more than 1 year, up to and including 4 years | 2 years | **Lifelong** |
| A custodial sentence of more than 4 years | 3 years, 6 months | **Lifelong** |
| A custodial sentence of more than 4 years for a Schedule 18 offence | **Lifelong** | **Lifelong** |
| **SOL offence Disposal** | **Basic check** | **Standard and enhanced check** |
| Youth Cautions | **Same as for non-SOL offences** | Not Disclosed |
| Youth Conditional Cautions | | 3 months |
| Fines | | **Lifelong** |
| Driving Endorsements | | **Lifelong** |
| Relevant orders | | **Lifelong** |
| A custodial sentence of 1 year or less | | **Lifelong** |

[10] Other relevant orders also have the same rehabilitation periods. Relevant orders include: community and youth rehabilitation orders, conditional discharge orders hospital orders, bind overs, referral orders, care orders, earlier statutory orders and any order imposing a disqualification, disability, prohibition, penalty, requirement or restriction, or is otherwise intended to regulate the behaviour of the person convicted.

| | | |
|---|---|---|
| A custodial sentence of more than 1 year, up to and including 4 years | | **Lifelong** |
| A custodial sentence of more than 4 years | | **Lifelong** |
| A custodial sentence of more than 4 years for a Schedule 18 offence | | **Lifelong** |

### Disclosure periods for adult and childhood convictions

An individual's age at the date of their conviction, and not their age when they committed the offence, determines if adult or childhood disclosure periods apply. As a result, individuals who commit offences under the age of 18 but are convicted after turning 18 are subject to adult disclosure periods. Sentencing guidelines take account of an individual's age when they committed an offence. Therefore, where the disclosure period is determined by the type or length of disposal, age at the time of offence has already been taken into account indirectly. There are multiple operational barriers to using the date of offence rather than the date of conviction to determine disclosure periods. Nonetheless, the government is committed to ensuring that the system is as fair as possible and is currently reviewing whether more can be done.

# Proposals for reform

## Proposals 1 and 2

The first two proposals focus on those convictions which currently can never become protected and, therefore, are not filtered off a standard or enhanced check. This is because the conviction is either for an offence on the Specified Offences List (SOL) or it resulted in a custodial sentence (the 'custody rule'). Both proposals aim to reduce the number of childhood convictions that are disclosed for life on standard and enhanced checks, whilst ensuring that our policy and systems continue to protect the public, particularly children and vulnerable adults, from the risk of harm.

Between November 2023 and April 2026, DBS issued 1.03 million standard disclosure certificates, 0.71% (or 7,291) of which disclosed childhood offences. In the same time period, DBS issued 10.31 million enhanced certificates, 0.35% (or 36,476) of which disclosed childhood offences. Over 85% of these convictions were committed between the ages 15 and 17. These individuals were predominantly seeking work in the education (18,026 offences), social (16,838 offences), care (16,422 offences), driving (15,646) and security (12,609) sectors.

These figures suggest that childhood offending accounts for only a small proportion of these certificates. As a result, reforms in this area aim to be targeted in their effect, addressing a relatively limited cohort while leaving the rest of the framework unchanged.

The proposals aim to ensure that individuals convicted of serious offences are still required to disclose their conviction for life on standard and enhanced checks, irrespective of their age at the time of conviction.

### Proposal 1: Create a narrower list of 'specified offences' (those that will always be disclosed through standard or enhanced checks) for childhood convictions

The SOL contains the listed offences set out in Article 2A of the Exceptions Order and in Section 113A (6D) of the Police Act 1997. Convictions for these offences cannot become 'protected' and will never be filtered off a standard or enhanced check under the Exceptions Order and Police Act 1997.[11] This applies to all child convictions and all adult

[11] Ministry of Justice, 'Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975', page 22, last updated 28 October 2023, available at: https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974

convictions and cautions. It includes some very broad offences that make up a higher proportion of offences committed by children than by adults, such as affray.

Since 2023, 31,856 standard and enhanced DBS certificates have disclosed a childhood SOL offence – this accounts for almost 75% of the 43,767 checks where any childhood offence was disclosed. Childhood convictions for SOL offences account for a substantial majority of disclosures, indicating measured changes to the system could have significant impact on the volume of disclosure by removing certain offences committed by children that could be considered less serious.

Introducing a policy that distinguishes between adult and youth convictions for specified offences provides the opportunity to consider which offences, when convicted as a child, should be filtered off standard and enhanced checks.

In the current regime, many individuals with historic childhood convictions face disproportionate, lifelong disclosure obligations because of the SOL and are required to disclose an offence on a standard or enhanced check after many years where there have been no further convictions or cautions. Over the last three years, around 76% of childhood offences disclosed on DBS certificates were committed over 20 years ago – with the earliest disclosed conviction dating back to 1947. Year-by-year, during the same period, there have been substantially more certificates disclosing only a SOL offence committed under the age of 18 (10,514 in 25/26) than certificates disclosing both childhood and adult SOL offences (3,186).

We have used the following criteria to help determine whether certain offences could become ‘protected’ and therefore filtered off a standard or enhanced criminal record check:

- Seriousness of offence (using Schedule 18 of the Sentencing Act 2020 which sets out serious violent, sexual and terrorism offences as a guide).
- Likelihood that a child would or could commit the specified offence (taking into consideration the overall volume of childhood convictions where known, as well as broadly defined offences that may be more likely to impact children and capture less serious offending).
- Nature of the offence when committed by a child.
- Proportionality of the length of disclosure in relation to the lifelong safeguarding risk the offence presents.
- Other interdependencies, such as the impact of interactions between potential proposals.

Applying these criteria recognises that a different approach to childhood convictions is appropriate for certain offences where the ongoing public risk level could be deemed lower if a child committed the offences rather than an adult. This approach also ensures we will retain lifelong disclosure for the most serious, high-risk offences (for example, severe violence, sexual, coercive or exploitative offences), without making any changes to the policy regarding which spent adult convictions must always be disclosed on standard and enhanced checks.

This allows us to:

- exclude broadly defined offences (for example, affray) – while guidance states that SOL offences require lifelong disclosure for "serious, violent or sexual" offences or those relevant to safeguarding children and vulnerable adults, the list currently includes broadly defined offences that may not reflect risk and are likely to disproportionately impact children, especially those with vulnerabilities

- retain broader discretion – introducing a policy that distinguishes between specified offences for adult and childhood convictions would support a more nuanced legislative approach in relation to what convictions should be filtered off a standard or enhanced criminal records check

**Table 1:** Broadly defined offences or offences that may have disproportionate impact, that we propose excluding from the list of specified offences for childhood convictions per the previously stated criteria, alongside data showing the number of cases recorded for these offences from year ending March 2022 to 2026 (list not exhaustive)

| Offence | Sentences since year ending March 2022 | Category | Rationale for excluding from childhood specified offences |
|---|---|---|---|
| **Affray**<br>Broadly defined as the "use or threat of unlawful violence towards another" that causes them to "fear for their safety". | 627 | Public order Violence | Affray can often encompass a range of conduct using or threatening unlawful violence.<br>Frontline engagement indicated that children involved in affray may have complex or unmet needs, with incidents in some cases occurring during periods of heightened emotional distress rather than because they pose enduring risk. |

| Offence | Sentences since year ending March 2022 | Category | Rationale for excluding from childhood specified offences |
|---|---|---|---|
| **Violent disorder** Defined where "3 or more persons who are present together use or threaten unlawful violence" in a way that it "would cause a person of reasonable firmness present at the scene to fear for his personal safety". | 309 | Public order Violence | As a group-based offence, violent disorder may reflect peer influence, adolescent impulsivity, or fleeting situational factors rather than longer-term, personal propensity for violence. |
| **Supplying a controlled drug to a child (under 16)** (The list of "controlled drugs" is set out by Schedule 2 of the Misuse of Drugs Act 1971.) | 496[12] | Drug offence | In contrast to adult offenders, childhood offenders may be more likely to supply controlled drugs within their peer group or to other children close to their own age. Children may not fully understand the negative impacts of their actions in the same way an adult is capable of understanding.<br>Childhood offenders are more likely to be coerced or exploited into this offence by people who are older than them (for example, county lines). Therefore, this offence may be more about the offender's own vulnerability rather than their exploitation of others.<br>However, we also recognise that there may be safeguarding implications of removing this offence from a youth specified offence list, particularly in the county lines context where under 18s |

[12] The case data on record doesn't specify the age of the individual a controlled substance was supplied to, therefore it cannot be accurately disclosed how many children convicted of supply offences ended up having to disclose these for life. Overall, the number of supply offences recorded since 2022 was 496.

| Offence | Sentences since year ending March 2022 | Category | Rationale for excluding from childhood specified offences |
|---|---|---|---|
| | | | could be deliberately used to target children to sell drugs to, putting them at risk of harm and drawing them into criminal activity. |
| **Robbery** (Defined if someone steals and "uses force on any person or puts or seeks to put any person in fear of being then and there subjected to force"). | 4,923 | Theft | We propose excluding robbery from the list of specified offences for childhood convictions for children as this is broadly defined and may indicate an impulsive decision rather than an ongoing risk. There is also no upper or lower bound on the value of items stolen, which suggests that this can encompass offences of a wide array of seriousness. The offence also carries a broad sentencing range and is not limited to offences of a particular level of seriousness. |
| **Assaults occasioning actual bodily harm** (Actual bodily harm is defined as harm that "need not be permanent but must be more than transient and trifling".) | 2,815 | Violence | This offence is very broadly defined, and many cases will involve only small physical injuries, for example minor bruising or cuts. There were also only 2 cases of a child being convicted of this and receiving a 2 year sentence of imprisonment, further suggesting that most cases are less serious and do not warrant lifelong disclosure. Nonetheless, particularly dangerous instances may still be disclosed on standard and enhanced checks as a result of the custody rule or may be captured under additional offences. |

**Source:** MoJ Criminal Justice Statistics, year ending March 2026. **Notes:** 1. Figures relate to sentences of individuals aged under 18 at the date of sentence, recorded from year ending March 2022 to year ending March 2026. 2. Where more than one offence was dealt with on the same occasion, the offence shown is the principal offence.

The five offences we are proposing to remove from specified offences list for childhood convictions would be treated as any other non-specified offence. That is, they would become protected after 5.5 years (and no longer disclosed on standard or enhanced checks after this time) unless they resulted in a custodial sentence (see proposal 2). For example, a 17-year-old convicted of robbery and given a community sentence would currently have to disclose that conviction for life on a standard or enhanced check. Under proposal 1, that conviction would only be disclosed on a standard or enhanced check for 5.5 years.

Proposal 1 would be applied alongside proposal 2, which would ensure that cases of more serious offending which resulted in a custodial sentence of more than two years will still carry a lifelong disclosure requirement on standard and enhanced checks, even if they did not involve a specified offence.

**Proposal 2: End lifelong disclosure on standard and enhanced checks for childhood convictions which resulted in a custodial sentence of two years or less.**

Currently, any conviction for an offence resulting in a custodial sentence or sentence of service detention cannot become protected and will always be disclosed on standard and enhanced checks. This ‘custody rule’ operates in addition to the SOL – if an offence results in a custodial sentence **or** if it is on the SOL, then it cannot be protected and filtered off standard and enhanced checks.

We propose to change the policy so that custodial sentences of two years or less for non-specified offences can become ‘protected’ and will therefore no longer be disclosed for life on standard and enhanced checks.

The reason for this proposal is that although the current custodial threshold for children is high, it does not account for sentence length, offender’s age, time passed since conviction or whether someone has reoffended or not. It therefore may disproportionately impact people with childhood convictions who do not pose enduring risk.

Moreover, sentencing practice has changed over time, meaning some childhood offences that previously resulted in short custodial sentences could now attract a community sentence or out-of-court resolution (for example, theft). This has led to an inconsistent approach in disclosure requirements for the same type of offences. A commonly cited criticism of the custody disclosure rule is that it is a blunt tool and that in line with changing sentencing practices over the years, short sentences in particular do not necessarily reflect the level of risk to the public.

The government identified the distinction of two years or less because two years is the maximum custodial sentence length that a youth court can give. Cases involving more serious offences that are likely to result in a longer custodial sentence are passed to the

Crown Court. The two-year threshold therefore reflects the likely greater seriousness of offences that receive a longer sentence.

During the period year ending March 2022 to 2026 there were 2,143 custodial sentences of 2 years or less given to children.[13] The majority of offences that resulted in a custodial sentence of two years or less were non-sexual offences.[14] The sexual offences that did result in a custodial sentence of two years or less would be on the list of specified offences for childhood convictions under proposal 1 (and therefore continue to always be disclosed on standard and enhanced checks).

**Table 2:** Top 10 offences with the highest number of sentencing occasions from year ending March 2022 to 2026 that resulted in a custodial sentence of two years or less (and if they are on the SOL)

| Offence | Number of sentencing occasions (custodial sentences 2 years or less) | On the current SOL? |
|---|---|---|
| Robbery | 319 | Yes (though proposal 1 is that we do not include it as a specified offence for childhood convictions) |
| Possession of article with blade or point | 302 | No |
| Wounding with intent to cause grievous bodily harm | 157 | Yes |
| Burglary in a Dwelling - triable either way | 149 | Yes |
| Assault occasioning actual bodily harm | 109 | Yes (though proposal 1 is that we do not include it as a specified offence for childhood convictions) |

[13] Ministry of Justice, 'Criminal Justice Statistics Quarterly: December 2025', last updated 29 June 2026, available at: https://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2025

[14] 'Sexual offences as defined in Offence Group Classification' in Ministry of Justice, 'Criminal Justice Statistics Quarterly: March 2026', last updated 11 September 2026, available at: https://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2025

| Offence | Number of sentencing occasions (custodial sentences 2 years or less) | On the current SOL? |
|---|---|---|
| Production, supply and possession with intent to supply a controlled drug - Class A | 94 | Depends on sub-category of offence (see below) |
| - Supplying or offering to supply a controlled drug - class A | 37 | Yes[15] (though proposal 1 is that we do not include it as a specified offence for childhood convictions) |
| - Possession of a controlled drug with intent to supply - class A | 57 | No |
| Possession of other weapons - triable either way | 91 | No |
| Assault of an emergency worker | 83 | No |
| Common assault and battery | 71 | No |
| Wound / inflict grievous bodily harm without intent | 58 | Yes |

**Source:** MoJ Criminal Justice Statistics, year ending March 2026. **Notes:** 1. Figures relate to sentencing occasions for individuals aged under 18 at the date of conviction recorded from year ending March 2022 to year ending March 2026 where a custodial sentence of two years or less was imposed. 2. Where more than one offence was dealt with on the same sentencing occasion, the offence shown is the principal offence.

If we end lifelong disclosure for custodial sentences of two years or less on standard and enhanced checks, we propose to replace this with a new filtering period. This would mean the conviction resulting in a custodial sentence becomes protected after a set amount of time and filtered off a standard and enhanced check. This new filtering period must be proportionate. It should be for an amount of time that takes into account safeguarding the vulnerable but does not mean an individual continues to be impacted by the need to disclose their spent childhood conviction for the rest of their life.

[15] 'Supplying or offering to supply a controlled drug – class A' is only on the SOL if it is being offered or supplied to an under 16-year-old. The data on the number of sentencing occasions specific to offering or supplying to an under 16-year-old is not available and is therefore likely to be less than 94.

There is evidence that brain development continues into the twenties, impacting upon self-control, consequential thinking and appraisal of risk.[16] We have taken this into account when considering what an appropriate disclosure period could be. We have also taken into account that the current disclosure period for non-SOL childhood convictions which did not result in a custodial sentence is 5.5 years. We propose that the disclosure period for non-SOL convictions that resulted in a custodial sentence of less than 2 years should be double this period, 11 years.

Taking proposals 1 and 2 together would mean that childhood convictions for non-SOL offences that result in a custodial sentence of two years or less will no longer be subject to lifelong disclosure on standard and enhanced checks. For example, a 17-year-old convicted of robbery and given an 18-month custodial sentence would currently have that conviction disclosed for life. Under the above proposals, that conviction would be disclosed for 11 years.

On standard and enhanced DBS checks over the last five years, there were 9,241 certificates issued disclosing childhood offences which resulted in custodial sentences, with 6,236 (around 68%) of these disclosing non-SOL offences. This is significantly less than the number of certificates issued disclosing childhood SOL offences.

# Questions

## Specified offences list

**Question 1:** Do you agree there should be a separate list of specified offences for childhood convictions?

- Yes
- No
- Not sure

Please explain your answer, including any benefits, risks or evidence you think should be considered.

[16] HM Inspectorate of Probation, Annex B: Maturation and young adults', available at: https://hmiprobation.justiceinspectorates.gov.uk/our-research/evidence-base-probation-service/specific-sub-groups/young-adults/

**Question 2:** Do you agree that the following offences should be excluded from the list of specified offences for childhood convictions?

- Violent disorder (Yes / No / Not sure. Please explain your answer)
- Drug offences (supplying) to under 16 (Yes / No / Not sure. Please explain your answer)
- Affray (Yes / No / Not sure. Please explain your answer)
- Robbery (Yes / No / Not sure. Please explain your answer)
- Assault occasioning actual bodily harm (Yes / No / Not sure. Please explain your answer)

**Question 3:** Are there any other offences which should be excluded from (or added to) the list of specified offences for childhood convictions? (See the current specified offences list that applies to adult and childhood convictions).[17]
Please explain your answer.

## Custody rule

**Question 4:** Do you agree that childhood convictions (for non-specified offences) resulting in custodial sentences of two years or less should no longer be disclosed for life standard and enhanced checks?

- Yes
- No — custodial sentences of a different length should be filtered off standard and enhanced checks.
- No — all custodial sentences should be disclosed for life and never filtered off standard and enhanced checks
- Not sure

Please explain your answer and if you selected ‘custodial sentences of a different length’, what should that length be?

[17] Disclosure and Barring Service and Home Office, ‘List of offences that will never be filtered from a DBS certificate’, last updated 16 November 2018, available at: https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check

**Question 5:** If childhood convictions (for non-specified offences) that resulted in a custodial sentence of two years or less are no longer disclosed for life on standard and enhanced checks, do you agree that an appropriate disclosure period is 11 years?

- Yes
- No — there should be a shorter disclosure period
- No — there should be a longer disclosure period
- Not sure

Please explain your answer and, if you prefer a different disclosure period, specify what it should be.

## Proposals 3 and 4

The third and fourth proposals would reduce the length of time for which convictions or cautions are disclosed on basic checks (for example, where an offender is required to disclose their unspent cautions and convictions).

There is limited research both on how employers use information from basic checks and on their attitudes towards removing access to offending history in early recruitment for other disposals. Employers' attitudes towards limiting the information required to be disclosed on a basic check, and information on safeguarding risk in changing the disclosure periods, are of particular interest to this consultation.

However, any changes to basic disclosure will need to be effectively communicated to employers and individuals if they are to have the intended impact, given most basic information is provided through self-disclosure. The government will set out its approach to communications around changes in due course.

Rehabilitation periods have already been progressively amended through legislative reform. Most recently the Police, Crime, Sentencing and Courts Act 2022 amended the Rehabilitation of Offenders Act 1974 so that certain custodial sentences of over four years, which were until that point excluded from rehabilitation, could become spent, unless imposed in respect of certain offences. This same Act made changes to the rehabilitation period for community and youth rehabilitation orders so they become spent so the end of the rehabilitation period is the day provided for as the last day on which the order is to have effect (or 24 months from date of conviction if this date is not specified).

**Proposal 3: Reduce rehabilitation period under basic disclosure for fines (from six months to three months or spent immediately).**

This proposal would reduce the length of time a childhood conviction resulting in a fine has to be disclosed for. It would support the aim of removing barriers to opportunity at the earliest and widest disclosure stage.

This is particularly relevant for younger people seeking to enter college or university, apprenticeships, or first jobs. Basic checks are used for roles that do not involve the level of trust or safeguarding responsibilities associated with positions requiring standard or enhanced checks, including many entry-level roles such as retail, hospitality and customer service or educational or training opportunities.

The government has considered whether there may be scope to further reduce rehabilitation periods for fines from six months to three months or make them immediately spent. While fines are generally regarded as a less severe sentence than custody, childhood convictions resulting in a fine currently become spent after six months, which is the same rehabilitation period that applies to custodial sentences of 12 months or less. This raises the question as to whether the current approach appropriately reflects differences in sentence severity.

**Table 3:** Top 10 most common offences for which fines were given to childhood offenders from year ending March 2022 to 2026, alongside the number of cases for which fines were given out

| Offence | Number of instances |
|---|---|
| Vehicle insurance offences – summary | 3,228 |
| Careless driving offences (excluding mobile phone offences) | 366 |
| Speed limit offences | 329 |
| Driving licence related offences (excluding fraud and forgery) - summary | 258 |
| Driving a motor vehicle under the influence of drink or drugs | 239 |
| Possession of a controlled drug - Class B (cannabis) | 224 |
| Travelling by railway without paying correct fare, failing to show ticket, failing to give name and address, etc | 160 |
| Failing to supply information as to identity of driver when required | 100 |
| Breach of a criminal behaviour order | 98 |
| Neglecting road regulations (other than speeding) | 65 |

**Source:** MoJ Criminal Justice Statistics Year Ending March 2026. **Notes:** 1. Figures relate to sentencing occasions for individuals aged under 18 at the date of conviction recorded from year ending March 2022 to year ending March 2026 where a fine was imposed. 2. Where more than one offence was dealt with on the same sentencing occasion, the offence shown is the principal offence.

The data suggests that many convictions for fines relate to lower-level offending. Railway fare evasion is among the most common offences for which fines are imposed on children (160 cases since year ending March 2022). Concern about disclosure consequences for young people who are first time rail evasion offenders was recently raised in the House of Lords.[18] Current rules may unfairly create disclosure requirements during key transitions into further education and employment for a low-level offence.

Notably, 6 out of the 10 most common offences for which fines were given as a disposal to children, were motoring-related offences. According to DBS data, 'driving' is the fourth most common area of work for which SOL childhood convictions were disclosed upon the request for a standard or enhanced check. While this reform could therefore impact jobs involving driving, it is important to note that the proposal does not seek to amend the existing disclosure requirements for driving endorsements. So, where a motoring-related offence results in a fine as a well as a driving endorsement, the latter will still be subject to disclosure according to the existing rules.

### Proposal 4: Ending the automatic disclosure for any childhood out of court resolutions

An out of court resolution (OOCR) is an alternative to taking a child to court and can be used when they have committed a low-level offence and it is deemed appropriate to divert them from court. The premise of an OOCR is for a nimble and targeted intervention to address the root causes of why a child committed a less serious offence.

OOCRs can be broadly split into two groups – statutory and non-statutory. A statutory OOCR is considered formal entry into the criminal justice system, in part because it requires the individual to admit guilt or responsibility. Statutory resolutions include Youth Conditional Cautions (YCCs) and Youth Cautions (YCs), and non-statutory resolutions include Community Resolutions and Deferred Prosecutions. The government is currently reviewing the OOCR framework with a view to bringing forward reforms which will strengthen its consistency, clarity and fairness.

At present, a YCC is the only type of OOCR that has to be disclosed. It has conditions attached to it that the child must comply with and if they fail to do so, they may be prosecuted for the index offence. In accordance with the ROA, a YCC becomes spent (and

[18] UK Parliament, 'Crime and Policing Bill', Volume 852 debated 20 January 2026, available at: https://hansard.parliament.uk/lords/2026-01-20/debates/06B92547-A244-4770-AFB2-95F56A5D1EC2/CrimeAndPolicingBill#contribution-3D544493-ACF4-47EC-A826-E16241F0C3C7

no longer disclosed) after three months or when the YCC ceases to have effect if shorter. Unspent YCCs are disclosed on basic, standard and enhanced checks. Since the year ending March 2022, there have been an average of approximately 2,150 YCCs issued per year. Over that period volumes have declined year-on-year, reaching a low of 1,705 in the year ending March 2026.

The requirement to disclose a YCC can create a barrier to employment or education at the time when a child is being encouraged to engage in activities to address their offending behaviour and could be counterproductive.

This consultation proposes that individuals should not be required to disclose any type of childhood OOCR, whether statutory or non-statutory.

The below table shows the 10 highest volume offences that resulted in a YCC over the last five years.

| Offence | YCC volume (year ending March 2022 to March 2026) |
|---|---:|
| Possession of article with blade or point | 1,736 |
| Assault occasioning actual bodily harm | 1,348 |
| Common assault and battery | 1,087 |
| Possession of other weapons – triable either way | 829 |
| Possession of a controlled drug – Class B (cannabis) | 628 |
| Criminal or malicious damage offence | 525 |
| Theft from shops | 481 |
| Burglary in a building other than a dwelling – triable either way | 278 |
| Assault of an emergency worker | 248 |
| Taking, permitting to be taken or making, distributing or publishing indecent photographs or pseudo photographs of children | 199 |

**Source:** MoJ Criminal Justice Statistics, year ending March 2026. **Notes:** 1. Figures relate to Youth Conditional Cautions issued to children from year ending March 2022 to year ending March 2026. 2. Where more than one offence was associated with the same Youth Conditional Caution, the offence shown is the principal offence.

DBS data shows that only a small number of standard and enhanced certificates are issued that disclose YCCs (in past three years, there were seven certificates that automatically disclosed a total of 11 YCCs).

# Questions

## Basic disclosure for fines

**Question 6:** What should the rehabilitation period be for fines imposed for childhood convictions?

- Immediate (spent straight away)
- three months
- six months (no change)
- Not sure
- Other

Please explain your answer.

## Out of Court Resolutions

**Question 7:** Do you agree that there should be no automatic disclosure for any type of childhood Out of Court Resolution on any type of check?

- Yes
- No
- Not sure

Please explain your answer.

# Proposal 5

### Remove the ‘drag-on’ rule for childhood convictions

Section 6 of the ROA provides that where a person commits another offence before the first has become spent, then the rehabilitation periods for all sentences are extended to the longest period. This means that if a second conviction occurs before a first conviction reaches the end of its rehabilitation period, the individual is not considered to be rehabilitated for the purpose of the Act in relation to those offences, and both must be disclosed until the end of the longest rehabilitation period of both convictions. This is known as the ‘drag-on’ rule.

The intent of ‘drag-on’ is that employers can see a pattern of persistent offending, particularly when it is recent or frequent, and a lack of rehabilitation. Offenders lose the ability to be rehabilitated for either conviction until the longer of the two rehabilitation periods

ends). Employers may consider this relevant to hiring decisions to ensure safeguarding for staff or customers, or to assess security risks for their business. It may contribute to confusion about disclosure requirements for both ex-offenders and employers.

Studies conducted with employers have found that “frequency or repetition of offending” was one of the major contributing factors to their willingness of hiring candidates.[19] The drag-on rule does provide employers and organisations with this valued and useful insight into patterns of offending, which could help employers to assess suitability for a role and consider how any risks can be managed. However, it can also inflate the barriers to education, training and employment for children.

According to DBS data, over the past three years, 102,852 childhood offences were disclosed on standard and enhanced checks, but these appeared on only 43,767 individual certificates – suggesting an average of two to three offences per certificate. The vast majority of certificates only disclosed one childhood offence (26,642), or two childhood offences (7,614). The average number of childhood offences committed is heavily skewed by the 1,150 individuals who committed over 10 offences before turning 18. This indicates removal would mainly benefit offenders with a small number of childhood offences. We do not currently have data showing whether subsequent offending is linked or more serious for childhood offences.

For these reasons, the government is considering whether to remove the drag-on rule for childhood convictions while the individual is a child. If this reform is pursued, when an individual with an unspent childhood conviction receives a new conviction as a child, neither conviction would be dragged on and would be spent according to the applicable rehabilitation period. If an offence was then committed by the individual as an adult, any unspent childhood conviction would be dragged-on. This aims to reduce the impact of prolonged disclosure whilst a child but ensures patterns of behaviour are disclosed if they continue to offend in adult life.

[19] K. White, L. Smith, T. Hogue, ‘An exploration of factors influencing employer decision-making when recruiting people with convictions’, International Journal of Law, Crime and Justice, Volume 85, 2026, available at: https://www.sciencedirect.com/science/article/abs/pii/S1756061626000406

**Scenario 1:** A 16-year-old male is convicted of knife possession in March 2026 and receives a 12-month custodial sentence. The rehabilitation period is six months from the end of the sentence and so would end in September 2027. However, in July 2027 he is convicted of possession of a Class B drug and receives a 12-month youth rehabilitation order (the rehabilitation period is the length of the order).

Currently, this means the rehabilitation period for the first conviction is 'dragged-on' until the 12-month rehabilitation period of the second conviction is complete. Both convictions will be disclosed on a basic check until July 2028.

The proposed change would mean the rehabilitation period for the first conviction would end in September 2027 and no longer disclosed on a basic check after that time (it would no longer be 'dragged-on' until July 2028). The rehabilitation period for the second conviction would not be impacted. It would end in July 2028 and not disclosed on a basic check after this time.

**Scenario 2:** A 17-year-old male is convicted of knife possession in March 2026 and receives a 12-month custodial sentence. The rehabilitation period is six months from the end of the sentence and so would end in September 2027. However, in July 2027 he is convicted for possession of a Class B drug and receives a 12-month adult community sentence (by this time he has turned 18 years old). The rehabilitation period is the length of the sentence.

Currently, this means the rehabilitation period for the first conviction is 'dragged-on' until the 12-month rehabilitation period of the second conviction is complete. Both convictions will be disclosed on a basic check until July 2028.

With the proposed change, this remains the same because the second conviction was received as an adult. The proposed change would only apply where the offender is sentenced for the second conviction when they are still a child.

# Question

## Drag-on rule

**Question 8:** Do you agree that the drag-on rule should not apply to childhood convictions whilst an individual is a child?

- Yes, the drag-on rule should be removed
- No, the drag-on rule should continue to apply
- Not sure

Please explain your answer.

# Questionnaire

We welcome responses to the following questions set out in this consultation paper.

## Specified offences list

**Question 1:** Do you agree there should be a separate list of specified offences for childhood convictions?

- Yes
- No
- Not sure

Please explain your answer, including any benefits, risks or evidence you think should be considered.

**Question 2:** Do you agree that the following offences should be excluded from the list of specified offences for childhood convictions?

- Violent disorder (Yes / No / Not sure. Please explain your answer)
- Drug offences (supplying) to under 16 (Yes / No / Not sure. Please explain your answer)
- Affray (Yes / No / Not sure. Please explain your answer)
- Robbery (Yes / No / Not sure. Please explain your answer)
- Assault occasioning actual bodily harm (Yes / No / Not sure. Please explain your answer)

**Question 3:** Are there any other offences which should be excluded from (or added to) the list of specified offences for childhood convictions? (See the current specified offences list that applies to adult and childhood convictions**).**[20] Please explain your answer.

[20] Disclosure and Barring Service and Home Office, 'List of offences that will never be filtered from a DBS certificate', last updated 16 November 2018, available at: https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check

## Custody rule

**Question 4:** Do you agree that childhood convictions (for non-specified offences) resulting in custodial sentences of two years or less should no longer be disclosed for life standard and enhanced checks?

- Yes
- No — custodial sentences of a different length should be filtered off standard and enhanced checks.
- No — all custodial sentences should be disclosed for life and never filtered off standard and enhanced checks
- Not sure

Please explain your answer and if you selected ‘custodial sentences of a different length’, what should that length be?

**Question 5:** If childhood convictions (for non-specified offences) that resulted in a custodial sentence of two years or less, are no longer disclosed for life on standard and enhanced checks, do you agree that an appropriate disclosure period is 10 years?

- Yes
- No — there should be a shorter disclosure period
- No — there should be a longer disclosure period
- Not sure

Please explain your answer and, if you prefer a different disclosure period, specify what it should be.

## Basic disclosure for fines

**Question 6:** What should the rehabilitation period be for fines imposed for childhood convictions?

- Immediate (spent straight away)
- three months
- six months (no change)
- Not sure
- Other

Please explain your answer.

## Out of Court Resolutions

**Question 7:** Do you agree that there should be no automatic disclosure for any type of childhood Out of Court Resolution on any type of check?

- Yes
- No
- Not sure

Please explain your answer.

## Drag-on rule

**Question 8:** Do you agree that the drag-on rule should not apply to childhood convictions whilst an individual is a child?

- Yes, the drag-on rule should be removed
- No, the drag-on rule should continue to apply
- Not sure

Please explain your answer.

## Equality question:

**Question 9**:

Are there any particular groups of people with protected characteristics who you think would be more affected than others (either positively or negatively) by the proposals in this consultation? How do you think they would be affected and why? Where possible, please provide evidence. See our Equality Statement on page 40.

## Additional comments

**Question 10:** Is there anything further about the disclosure of childhood criminal records that you want to tell us about?

**Thank you for participating in this consultation exercise.**

# About you

Please use this section to tell us about yourself. These questions are not mandatory.

| | |
|---|---|
| **Full name** | |
| **Job title** or capacity in which you are responding to this consultation exercise (for example, member of the public, etc.) | |
| **Date** | |
| **Company name/organisation** (if applicable): | |
| **Address** | |
| | |
| **Postcode** | |

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

# How to respond / contact details

Please send your response by 24 December 2026 to:

**Youth Justice Policy Team**
Ministry of Justice
102 Petty France
London SW1H 9AJ

**Email**: youthjustice.criminalrecords@justice.gov.uk

**Complaints or comments**

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

## Extra copies

Further paper copies of this consultation can be obtained from this address, and it is also available on-line at https://consult.justice.gov.uk/

Alternative format versions of this publication can be requested from youthjustice.criminalrecords@justice.gov.uk

## Publication of response

A response to this consultation exercise may be published in due course at: https://consult.justice.gov.uk/

## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018

(DPA), the General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry of Justice.

The Ministry of Justice will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

# Impact assessment, equalities and Welsh language

## Equality statement

Section 149 of the Equality Act 2010 places a duty on ministers and the department, when exercising their functions, to have ‘due regard’ to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct under the Equality Act
- advance equality of opportunity between people who share a protected characteristic and those who do not
- foster good relations between people who share a protected characteristic and those who do not

Paying ‘due regard’ needs to be considered against the nine protected characteristics under the Equality Act. The nine protected characteristics are race, sex, disability, sexual orientation, religion and belief, age, marriage and civil partnership, gender reassignment, and pregnancy and maternity.

The consultation document builds on the previous equalities statement within the government’s Youth Justice White Paper: ‘Cutting Youth Crime. Changing Young Lives’.

The proposed reforms to the childhood criminal records regime aim to reduce the long-term impact of criminal records by removing unnecessary barriers to education and employment, supporting desistance and social mobility. At the same time, the regime must continue to safeguard vulnerable groups in society such as children and adults with additional needs. In developing these proposals we have sought to strike the appropriate balance between safeguarding vulnerable groups who depend on (for example) the social care system, whilst allowing individuals who offended as children to move on with their lives.

Children from ethnic minority backgrounds (particularly black children) and those with neurodivergence or additional needs are overrepresented in the youth justice system and therefore more likely to be adversely affected by the disclosure of childhood criminal

records.[21] Reducing the disclosure period is expected to mitigate these disproportionate impacts and improve equality of opportunity.

A Welsh language consultation paper is available at www.gov.uk/government/consultations/reforming-childhood-criminal-records-disclosure

A regulatory impact assessment has not been prepared for these proposals because there is no impact on business, charities or voluntary bodies. There is also no significant impact on the public sector.

[21] Youth Justice Board, 'Youth Justice Statistics: 2024 to 2025', 29 January 2026, available at: https://www.gov.uk/government/statistics/youth-justice-statistics-2024-to-2025/youth-justice-statistics-2024-to-2025

# Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018.[22]

[22] Cabinet Office, Consultation principles: guidance, last updated 19 March 2018, available at: https://www.gov.uk/government/publications/consultation-principles-guidance

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