

Insurance & convictions: Simple guide

hub.unlock.org.uk

Summary

This information has been updated in April 2013 to reflect changes in insurance disclosure law, to help you buy the right insurance and make sure you are treated fairly. It provides a quick summary of the issues for people with convictions and what you can do about them. It applies to 'consumer' insurance only. This includes home (buildings and contents) insurance, as well as personal motor insurance. For more information, and for details on commercial insurance, we also publish a [detailed guide](#).

Key facts

1. You only have to disclose convictions if you are asked
2. If you're not asked directly, make sure you check any assumptions and terms/conditions of cover
3. If asked, you DO NOT have to disclose any convictions that are spent under the [Rehabilitation of Offenders Act \(ROA\)](#).
4. If asked, make sure you get written confirmation of what you've disclosed

Why am I asked about convictions?

Most insurance companies ask about criminal convictions because they believe it is relevant to the risk. Although this often seems unfair, they are, unfortunately, entitled to ask. If asked, you need to answer this question honestly and accurately. The questions will normally include the convictions of everyone covered by the policy, such as children or a partner. If you are not asked, you do not need to disclose.

Rehabilitation of Offenders Act

Once a conviction is 'spent' under the ROA, it never has to be disclosed to insurers. This is the case no matter what question an insurer asks you. [Detailed guidance on the ROA is available here](#).

How do I know whether my convictions are spent?

The ROA is very complicated, so it is difficult to know what is protected by the Act. However, there are a number of ways you can work out whether a conviction is spent. You can;

1. Use an online tool we have set up, at www.disclosurecalculator.org.uk
2. Obtain a basic disclosure or police subject access request
3. Work it out for yourself (getting help from our [ROA guide](#))

Find out more about each of these [here](#).

When do I need to disclose?

You will need to disclose unspent convictions when you take out the policy. You do not have to disclose any convictions you get during a policy until renewal, unless there is an explicit condition in your policy.

What could happen when I disclose an unspent conviction?

Some insurers may refuse to offer you insurance, want to charge you more, or impose special terms. If you already have a policy, your insurer may cancel it and might refuse to pay any new claims and seek to get back the money from any previous claims. Alternatively, they may agree to continue your insurance up until renewal, increase your premium or impose special terms.

What could happen if I do not declare an unspent conviction when asked?

If you are taking out new insurance, or already have a policy, it is quite possible that nothing will happen. However, you may be acting illegally and if your insurer does find out, your insurance could be cancelled or your premium increased. If you have not disclosed, you are not really protected by your insurance.

How might convictions affect making a claim?

If you disclosed everything that you were asked about when you took out the policy, there should be no problem. If you didn't, your insurance company may 'avoid' the policy. This means that they will treat it as if it never existed and will not pay out on your claim. This may leave you unable to replace what you have insured, such as your house, car or business.

What if my insurer refuses to pay a claim?

In some circumstances, you may be able to challenge an insurer who is avoiding your policy. If your insurer cannot settle your complaint, you can go to the Financial Ombudsman Service (FOS). The FOS deal with complaints in a way that takes account of both the law and industry good practice. They will consider whether the insurer asked clear questions, whether their decision was influenced and whether you failed to disclose recklessly, deliberately, inadvertently or innocently.

Where can I get insurance?

- Unlock publishes a [list of brokers](#) who specialise in insurance for people with unspent convictions, as well as a [list of motor insurers](#) who do not ask about non-motoring convictions.
- There may be other insurers which are able to provide some cover for people with some unspent criminal convictions. Take extra care when seeking insurance from an insurer who does not ask questions about criminal convictions. Check any assumptions and terms/conditions of cover.
- If you are asked about convictions, ask for written proof that shows you have disclosed your conviction. You can use this if disclosure is disputed at claim stage

About this information

This document was first published in November 2014. The information may have since been amended or updated. Latest versions are available through searching for 'insurance and convictions' on hub.unlock.org.uk.

Found this helpful?



Unlock is the only charity dedicated to supporting law-abiding people with convictions. We do not deliver government-contracted services. Our clients and beneficiaries are often unemployed and in poverty. Every year a quarter of a million people use our services.

For a small organisation Unlock makes a big difference. By being independent, we respond to the needs of our clients, but we can't do this without support - we rely on charitable grants and donations from individuals, so please consider making a donation.

Mobile: Text UNLK25 with the amount you wish to donate (e.g. £10) to 70070

Online: Click the 'Donate now' button above, or visit www.unlock.org.uk and click the 'Donate now' logo

Cheque: Send a cheque payable to 'Unlock', to; MCSC, 39-48 Marsham Street, Maidstone, Kent, ME14 1HH

Feedback?

If you plan to use this information, please [let us know how you get on](#). This helps us when we're providing advice to others in similar situations. Also, if you've got a suggestion, found a broken link, or have a personal experience that would help to add a 'real-life' example to this information, please contact us.

Contact us

Helpline - Confidential peer advice on overcoming the effects of criminal convictions

Call: 01634 247350 – Monday to Friday, 10am to 4pm

Text: 07824 113848

Email: advice@unlock.org.uk

Visit: hub.unlock.org.uk for self-help information

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Visit www.unlock.org.uk for more information.

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