
	<h1>Insurance & Convictions</h1> <h2>A detailed guide for consumers</h2> <p>Information Hub</p>	<p>Sponsored by</p>  <p>Helping people with convictions get a fair deal on home insurance www.homeprotect.co.uk/fairdeal</p>
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Summary

According to government figures, there are over 9.2 million people in the UK with criminal convictions, and one in three men has a conviction by the age of 53. However, few consumers are aware of their legal obligations with regards to convictions when taking out insurance.

Under the Rehabilitation of Offenders Act 1974 (ROA), ‘spent’ convictions do not have to be disclosed to insurers, irrespective of what questions are asked. However, depending on the sentence, convictions remain ‘unspent’ for many years (sometimes forever). The ROA is very complex, making it difficult for consumers (and insurers) to know what is protected by the Act. However, there are a number of ways to establish whether a conviction is spent.

Many mainstream insurers do not offer insurance where individuals, members of their household, named drivers or others covered by a policy have unspent convictions. There is no obligation to disclose to insurers, unless asked specifically. Nor is there an obligation to disclose convictions obtained during a policy (unless it is an explicit term in the contract). However, customers who do so may find their policy is cancelled immediately.

Although insurers rely on information given to them at application, when a claim is made, this information will be checked. Failure to have disclosed unspent convictions at application and renewal, if asked specifically (known as a misrepresentation) can invalidate an insurance policy and allow the insurer to avoid individual claims and entire policies.

However, in certain circumstances, consumers may be able to challenge the avoidance of a policy. Complaints which an insurer cannot settle directly can be taken 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 to insure was influenced and whether the customer failed to disclose recklessly, deliberately, inadvertently or innocently.

Since 1999, Unlock has been working with brokers to develop cover for people with unspent convictions. Since then, the charity has been encouraging the entry of new suppliers into the market, aiming for greater competition and better value, as well as pushing for legal changes that would make sure consumers were treated fairly. Unlock publishes a list of brokers who specialise in insurance for people with unspent convictions. It has also worked to increase understanding amongst consumers and encouraged the insurance industry to consider a fairer, evidence-based, approach to unspent convictions.

This guide was originally published in February 2011 to help consumers purchase appropriate insurance and ensure they are treated fairly. At the same time, the ABI published guidance for insurers to clarify their legal obligations and share industry best practice. Unlock's guide was updated in April 2013 to reflect changes in insurance disclosure law. As a result, this guide now relates principally to consumer insurance. Commercial insurance is dealt with in a specific section at the end of the guide.

Why do I need to disclose my convictions?

The duty on consumers to answer questions fully and accurately

Under insurance disclosure law, the onus is on you to answer all questions put to you by an insurer fully and accurately. This represents a recent change to insurance law. Previously, you had to disclose all 'material facts', due to the principle of utmost good faith, regardless of whether you were asked a specific question. This change in the law is explained in more depth in a separate document.

The relevance of criminal convictions

Most insurance companies ask about criminal convictions because they believe it is relevant to the risk. Although this often seems unfair, insurers are entitled to decide to adjust the price, or choose not to offer cover, as they see fit.

The types of insurance this applies to

The duty applies to 'consumer' insurance. This is defined in the legislation as being "wholly or mainly for purposes unrelated to the individual's trade, business or profession".

In most cases, it will be obvious where it is 'consumer' insurance. For example, it will normally include home buildings and contents cover, motor insurance, travel policies and life insurance. It is unlikely to cover insurance policies that have a significant commercial element to them.

It doesn't cover commercial buildings and contents, public liability, commercial motor or insurance taken out by companies. For this type of insurance, the insurance contract is still subject to a duty of

good faith, which means that you will need to disclose all material facts. This is covered in more depth at the end of this guide.

What do I disclose? The Rehabilitation of Offenders Act 1974

Rehabilitation periods

Under the Rehabilitation of Offenders Act 1974 (ROA), criminal convictions have a ‘rehabilitation period’ based upon the sentence that was applied. In the case of prison sentences, it is based on the length of the sentence, not the time served. The period always starts from the date of conviction and is usually halved if you were under 18 when convicted. The ‘rehabilitation period’ is often much longer than the sentence. The table below has some examples of the current ROA for people with single convictions.

Note: The ROA is due to change in late 2013. This will see a reduction in the rehabilitation period for a number of sentences. More information about this change is available from the Unlock website.

Sentence / Disposal	Period (18+)
Prison / YOI: More than 30 months	Forever
Prison / YOI: More than 6 months up to 30 months	10 years
Prison / YOI: 6 months or less	7 years
Community Order / Probation	5 years
Fine	5 years
Absolute Discharge	6 months
Conditional caution	3 months
Simple caution, reprimands and final warnings	Immediately

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 from Disclosure Scotland - www.disclosurescotland.gov.uk. This costs £25, and only discloses unspent convictions.
3. Apply for a copy of your police records. This costs £10, and provides all information that is held on the Police National Computer (PNC) about you, not just unspent convictions. It doesn't identify which convictions are spent and which are unspent.
4. Call Nacro's Resettlement Advice Service (020 7840 1212). They can advise you on whether a conviction is spent, based on the information you provide.
5. Read the ROA guide on our website. If you already have a record of your criminal convictions, you may find it helpful to consult a detailed guide to the ROA, such as the one available from our website. This covers more complex issues such as multiple convictions and other sentences/disposals.

Unspent convictions

During the rehabilitation period, the conviction is ‘unspent’. Convictions resulting in a prison sentence greater than 30 months can never become spent and must therefore always be disclosed.

Spent convictions

Under the ROA, once the ‘rehabilitation period’ is completed the conviction is ‘spent’ and no longer needs to be disclosed when applying for insurance. For the purposes of insurance, “the broad effect of the Actis to relieve any proposer for insurance of the obligation to disclose a conviction or even the fact that he had committed the crime.”¹

In other words, the ROA allows somebody with a spent conviction to lie to any question which, if answered truthfully, would disclose a spent conviction. Section 4(3)(a) states that, *“Any obligation imposed on any person by any rule of law or by the provisions of any agreement or arrangement to disclose any matters to any other person shall not extend to requiring him to disclose a spent conviction or any circumstances ancillary to a spent conviction (whether the conviction is his own or another’s)”*.

The ROA does not force insurers to only ask about unspent convictions. However, it does allow an individual to interpret any question about convictions as only relating to unspent convictions. More specifically, section 4(2) of the ROA states that, *“Where a question seeking information with respect to a person’s previous convictions, offences, conduct or circumstances is put to him or to any other person otherwise than in proceedings before a judicial authority,*

- a) the question shall be treated as not relating to spent convictions or to any circumstances ancillary to spent conviction, and the answer thereto may be framed accordingly; and*
- b) the person questioned shall not be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose a spent conviction or any circumstances ancillary to a spent conviction in his answer to the question.”*

Cautions, reprimands and final warnings

Cautions, reprimands and final warnings are covered by the ROA as a result of changes brought in by the Criminal Justice and Immigration Act 2008, which states that these sentences become spent immediately. As a result, simple cautions, reprimands and final warnings do not need to be disclosed when seeking insurance. Conditional cautions become spent after 3 months.

Fixed penalty notices, pending prosecutions and other elements

The ROA does not cover Fixed Penalty Notices (FPNs), pending prosecutions or other elements (such as arrests). Like a caution, they are not criminal convictions. However, unlike a caution, they are not mentioned in the ROA and therefore are not protected by it.

What an insurer regards as relevant depends entirely on its own underwriting guidelines. Insurers may well regard FPNs, pending prosecutions or other elements as relevant. If they do, they should ask a clear and specific question about them. If you are not asked, you do not need to disclose.

¹ *Reynolds & Anderson v. Phoenix Assurance Co. Ltd & Others* [1978] 2 Lloyd’s Rep. 440

In relation to pending prosecutions, insurers vary in their definition of this term. For example, some might mean an offence that you have been charged with, whereas others might consider an arrest enough. As a result, if the insurer asks about pending prosecutions, and you are unsure about whether you have to disclose a situation that relates to you, you should speak to the insurer for advice.

Do I only have to disclose my own convictions?

You only have to answer the questions that you are asked. Normally, if asked about convictions, the question will relate to all individuals who are covered by the policy. Therefore, in the example of a household policy, the unspent convictions of anybody normally living at the property will have to be disclosed. In this situation, you cannot avoid the issue by putting the policy in someone else's name.

What if I don't get asked about convictions?

If you're not asked, you don't have to disclose them. However, although insurers are meant to ask clear and specific questions, and so it should be obvious if you're getting asked about convictions, make sure you check any assumptions, as well as the terms of the cover and your policy documents, to make sure that there is no mention of conviction. Also, take care when using comparison websites. Make sure you look at the specific insurers' questions, to make sure it hasn't been pre-populated with a 'No' to the question about convictions. Check the paperwork you end up receiving.

What if I don't want to talk about my unspent conviction?

If you're asked about convictions, then to be able to obtain a quote, you will need to provide an insurer with enough information to allow them to give you an accurate quote. This information will normally include the offence you were convicted of, the date of sentence and the sentence you received. Insurers may ask for additional information to explain the circumstances surrounding the offence. This may improve an insurer's ability to offer you a competitive price. If you don't want to provide it, you'll have to go elsewhere.

What if I am asked "do you have *any* criminal convictions?"

The Association of British Insurers (ABI) has published a good practice guide for insurers stating that "any convictions" in fact refers to "any unspent convictions". This fits with a High Court decision in 2002² which stated that it was an unlawful breach of statutory duty for insurance companies to rely on endorsements relating to spent convictions in order to disadvantage a driver. The same applies to non-motor insurances also.

The Financial Ombudsman Service has also stated that if an insurer cancels the policy of a customer who has a spent conviction but whose licence is still endorsed simply because the customer did not disclose the endorsement, it would uphold the customer's complaint.

What if an insurer says that they need to know about spent convictions?

It is not illegal for insurers to ask about any convictions, though it is industry best practice to ask questions specifically about unspent convictions. However, under the ROA, you are entitled to treat a question about 'any convictions' as if it only relates to unspent convictions. If you believe an

² *R v DVLA & Another, ex parte Pearson* [2002] EWHC 2482 (Admin)

insurer is not treating customers fairly, you can report the issue to the Financial Conduct Authority's Consumer Helpline (Telephone: 0800 111 6768).

What if I accidentally disclose a spent conviction?

Even if you volunteer spent conviction information, the insurer is under a legal duty to not take this into account when deciding whether to offer cover and/or the type of cover. If you have been disadvantaged in any way because of a spent conviction, you need to try and get evidence to support this, as you may be able to complain to the Financial Ombudsman.

The ABI state that, *"It is an unlawful breach of statutory duty for firms to rely on spent convictions in order to disadvantage an applicant. In which case, even if an insurer asked for spent convictions, and details were provided, the insurer wouldn't be able to use them in their underwriting decision."*

This is based on s.4(3)(b) of the ROA which states that, *"A conviction which has become spent or any circumstances ancillary thereto, or any failure to disclose a spent conviction or any such circumstances, shall not be a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing him in any way in any occupation or employment"*

What if I am asked "have you had any criminal convictions in the last 5 years?"

You will only need to disclose convictions in the last 5 years. If you have an unspent conviction that was obtained more than 5 years ago, but isn't yet spent, you do not have to disclose it, as the question you have been asked does not include such convictions.

What if an insurer only asks for details of certain types of convictions?

You only need to answer the questions that are put to you. In some cases, depending on the question, you may need to speak to the insurer to ask what they mean by a particular term, as definitions vary. Whenever seeking clarification of this type, you should always try to get a response in writing if you plan to take action as a result of the advice.

In any event, you still do not have to disclose any convictions which are spent, even if they fall under the type of conviction being requested.

What if, for motor insurance, an insurer only asks for motoring convictions?

When looking to obtain motor insurance, you will find that many insurers only ask about motoring convictions. So long as you are confident that the insurer is not request non-motoring convictions, you do not need to disclose them.

Have I had insurance refused, cancelled or special terms imposed?

'Refused' insurance does not have an agreed definition within the insurance industry. You should ask the insurer for clarification of what they mean when they use this term. However, if an insurer has simply chosen not to insure you because they do not offer cover to people with convictions, you have not been 'refused'. This is the same as someone who is 25 seeking insurance with an insurer that only insures people over 50.

‘Cancelled’ insurance is when an insurer cancels your contract of insurance during the term of your policy, typically due to the disclosure of an additional material fact. This does not include where they inform you that they will not be offering cover following your next renewal date.

‘Special terms’ may be imposed by an insurer in order to reduce the perceived risk. This is when you are offered insurance but not on the standard terms they would normally offer. For example, they may add exclusions that would avoid them having to pay a claim in certain circumstances such as in the event of a theft, fire or a particular circumstance such as damage caused by vigilantism.

Answering questions about refusals, cancellations and special terms

If you have a spent conviction, you do not need to disclose anything that would lead to the disclosure of that conviction. The ROA states that *“A conviction which has become spent or any circumstances ancillary thereto... shall not be a proper ground for prejudicing him in any way...”*³ Therefore, if you have experienced any of the above as a result of a conviction that is now spent, you can respond as if it had not happened.

If you have an unspent conviction, you have to answer any question put to you fully and honestly. Therefore, if you have had insurance refused, cancelled or had special terms imposed due to your conviction (or for any other reason) you must inform the insurer. If other insurers have simply declined to offer you a quote due to your convictions you do not have to state that you have been refused insurance. But, if you have had insurance cancelled as a result of disclosing a conviction that you should have disclosed when you took out the policy, this will need to be disclosed to future insurance.

When do I need to disclose?

Note: This section is assuming that you have been asked about convictions.

When you take out a policy?

If the insurers asks about convictions, you will have to disclose before you take out the policy. Failure to answer the questions put to you fully and accurately could invalidate your policy and potentially lead to prosecution.

During a policy?

A conviction obtained before the policy was taken out

If your conviction was unspent when you took out the policy, and you have not disclosed this, your insurance is potentially invalid.

You should decide whether you want to notify your current insurer (and risk your policy being cancelled), or seek alternative insurance before cancelling the policy yourself. Bear in mind that if your policy ends up getting cancelled, this can cause problems in getting further insurance. You may

³ Rehabilitation of Offenders Act 1974, Section 4(3)(b)

find it useful to call your current insurer anonymously to ascertain what their approach would be to somebody in your situation.

If your insurance company decides that they want to end your policy, they may give you a period of notice so that you have time to find insurance elsewhere. However, they are not legally obliged to do so where an unspent conviction has not been disclosed.

A conviction obtained during the policy

Insurers have a duty to inform you within your policy documents of your obligations in terms of disclosing any changes to your circumstances. Unless there is an explicit condition in your policy, you do not have to disclose convictions obtained during a policy, until your next renewal.

A conviction that becomes spent during the policy

If you have disclosed an unspent conviction which has now become spent, you will not need to disclose it at your next renewal.

However, whether your insurer will reduce your premiums mid-contract will depend on their policy. For example, an insurer who requires mid-contract disclosure of a new conviction should also take account of a conviction that becomes spent mid-contract. However, insurers that do not require disclosure of new convictions mid-contract might not take account of the fact that a conviction becomes spent during the policy. You should ask your current insurer for their policy on mid-contract changes.

When you make a claim?

Insurance companies normally rely on the information given by the policyholder at the start of the policy. However, when a significant claim is made, insurance companies will investigate. This may extend to requiring you to obtain an official record of their criminal convictions.

Although insurers have access to various databases, they are not currently able to obtain an official copy of your criminal record. Therefore, as part of the claims process, you may be asked to provide details of your criminal record. This is to ensure it matches with the information you gave when you took out the policy.

As part of the claims process, you must reasonably co-operate and, if you were to refuse to provide this information, it is possible that the insurer will refuse to pay any claim that has been made. However, this should only extend to convictions that were unspent at the time you took out the policy (or the latest renewal).

What could happen when I disclose when asked?

There are a number of possible responses which an insurer might have to an unspent conviction. This will depend on the insurers approach to convictions and the point at which you disclose.

When you're getting quotes

The insurer may:

- Not be able to offer you a quote. This does not mean you have been 'refused' insurance. It simply means you don't fit within their underwriting guidelines. For example, if SAGA chose not to offer a quote to a 25 year old, that person has not been refused insurance.
- Offer you insurance at a higher premium because they believe it is a higher risk. If the premium is more than you are happy (or able) to pay you should shop around, as not all insurers assess risk in the same way [see the section 'Where can I get insurance?'].
- Impose special terms such as a higher excess or a more exclusions and limitations policy.

During a policy

The insurer may:

- Cancel your insurance immediately. This is more likely to happen if the conviction was obtained before you took out the policy and you did not disclose it when asked.
- Cancel your insurance but offer you a short 'grace' period during which you can arrange insurance somewhere else e.g 7 days. This is more likely to happen if the conviction was obtained during the policy.
- Continue your insurance but advise you they won't offer you another policy at renewal. This is more likely to happen if the conviction was obtained during the policy.
- Increase your premium because they believe the risk has increased. If the premium is more than you are happy (or able) to pay you should shop around, as not all insurers assess risk in the same way [see the section 'Where can I get insurance?']
- Impose special terms such as a higher excess or a more restrictive policy.

When you make a claim

The insurer may:

- Avoid your policy. If your policy is 'avoided' it is as if it never existed. This means that your claim will not be paid. You should receive back any premiums you have paid to the insurer. However, the insurer may seek to recover any previous claims made under the policy.
- Refuse the claim. Insurers would usually also cancel the policy under these circumstances.
- Reduce payment. If the insurer would have insured you despite the conviction, but at a higher premium, they may reduce their pay out proportionately. For example, if your premium would have doubled, you may only be entitled to half the total claim value.

What could happen if I do not disclose when asked?

When you're getting quotes

- Probably nothing. At quoting stage, insurers rely on the information you give them because it would be too expensive to verify everything you say.
- However, as explained below, you may not actually have insurance cover and may be acting illegally.

During a policy

- Probably nothing. During your policy insurers will rely on you to make them aware of any important changes. They will not usually check that you have done so.
- However, it is possible that your insurer may find out about your conviction by another means e.g. an anonymous phone call or a newspaper report. This could result in the avoidance or cancellation of your policy, or an increase in premium.

When you make a claim

- You will normally be asked to confirm whether the details you gave when you took out the policy are correct. If you are unwilling or unable to provide this evidence, the insurer is unlikely to pay the claim and may cancel your policy.
- If the insurer becomes aware that you did have unspent convictions when you took out the policy which you didn't disclose when asked, they could avoid your policy, refuse the claim, reduce any claim pay outs and you may be prosecuted.

How might convictions affect making a claim?

When you make a claim on your insurance, your insurer will undergo a claims validation process. As part of this process, they will either go through the details of your policy over the telephone, or send a representative to your home. As part of this, they will normally ask you to confirm that the information you gave regarding previous convictions is accurate.

Where you have disclosed correctly

If you have answered the questions relating to convictions correctly when first taking out the policy (or at the appropriate renewal stage), your claim should proceed as normal.

It may be that, because of the conviction, your insurer decides to look into your claim in greater detail. Although this may be frustrating, you must be seen to be cooperating with your insurer. The presence of a conviction on a policy should have no bearing on whether the claim is paid out, so long as it was properly fully disclosed when the policy was taken out (or at the appropriate renewal stage). You may be asked to provide a copy of your unspent convictions, and so as long as this matches with what you have previously provided when taking out the policy, you shouldn't have any problems.

Where you have not disclosed correctly

If you haven't answered the questions relating to convictions correctly when first taking out the policy (or at the appropriate renewal stage), your insurance company may seek to 'avoid' the policy and not pay out.

Insurers are not able to carry out criminal record checks. Therefore, it is common for insurers, when they want to receive official clarification, to require you to provide a copy of your own criminal record.

Some insurers may accept a basic disclosure, which lists online unspent convictions. However, this cannot be backdated to the date the policy was taken out, therefore a Police Subject Access Request may be requested. Either way, you will be expected to pay the cost of this check as part of cooperating with the claims process.

Where you were not asked

If you were not asked about convictions, any unspent convictions you had before taking out the policy cannot be used by the insurer as a reason for not paying out.

The only rare situation where you may encounter problems is where the insurer is claiming to have asked you about convictions. If this is the case, they would be required to provide evidence of asking a clear and specific question when you took out the policy (or when you last renewed). If this happens, you will be able to complain to the Financial Ombudsman Service.

What if my insurer refuses to pay a claim due to non-disclosure or misrepresentation?

What is non-disclosure and misrepresentation?

'Non-disclosure' is when you fail to disclose a material fact when applying for, or renewing, insurance. An example would be if you did not disclose an unspent criminal conviction.

A related term, 'misrepresentation' is when you make an incorrect statement. An example would be if you stated that you had a conviction for theft, when it was actually a conviction for fraud or stated that you had been given a community sentence, when you were actually given a prison sentence.

What does it mean if my insurer is 'avoiding' my policy?

If a non-disclosure (or misrepresentation) has led an insurer to provide cover where it otherwise would not have done so, the insurer can legally 'avoid' the policy. This means they treat the policy as though it never existed. The insurer will not have to pay out on any claim made under the policy. Unless fraud is involved, the insurer will normally return any premiums you have paid.

How can I put an effective complaint to my insurer?

Industry Guidelines

The Association of British Insurers (ABI) has previously published statements of practice stating that:-

- Insurers should ask clear questions about facts they considered material
- In deciding whether to avoid a policy, insurers should rely only on the answers given or withheld
- Insurers should only avoid policies where the non-disclosure or misrepresentation was deliberate or reckless, not where it was innocent.
- Customers are required to answer questions only to the best of their knowledge and belief

What if the insurance company already knew the information?

If the insurer already had the information about your convictions (or if it should have realised that the information you gave was inaccurate) then they should not avoid the policy. For example, you may have advised them of your convictions at a different time or in relation to a different product.

What if I disclosed to an intermediary when buying my insurance?

Many people don't buy their insurance directly from the insurer. Instead they use an 'intermediary' to such as an insurance broker, financial adviser or bank.

Intermediaries are often seen as acting on your behalf because they are seeking the best cover for you from a wide range of insurers. This makes it difficult to argue that the insurance company should know the details you gave the intermediary. You may have to pursue a separate complaint against the intermediary and consider a claim against them in the civil courts.

However, if your intermediary had an arrangement to recommend your insurer, they can be seen as acting on behalf of the insurer. In this case it is difficult for the insurance company to claim that information you gave to the intermediary wasn't properly disclosed.

What should I do if I think my insurer is treating me unfairly?

You can take a complaint to the Financial Ombudsman Service (FOS). The FOS is able to take account of both the law and good industry practice. This can often result in a much fairer outcome for the customer. The details of the FOS are below.

Financial Ombudsman Service

A: South Quay Plaza, 183 Marsh Wall, London, E14 9SR

T: 0800 023 4567 or 0300 123 9 123

E: complaint.info@financial-ombudsman.org.uk

W: www.financial-ombudsman.org.uk

Before taking your complaint to the FOS you must tell your insurance company that you dispute their decision, and give them the opportunity to rectify the problem. If you remain unhappy after the insurance company has reviewed your case the FOS may be able to help. Your insurance company should provide you with a leaflet and there is more information on their website (www.financial-ombudsman.org.uk). There is also more specific information regarding the FOS approach to non-disclosure and misrepresentation [here](#).

Where can I get insurance?

Do all insurers exclude people with unspent convictions?

The attitudes of insurers towards convictions vary enormously. Many mainstream insurers operate a blanket policy of not providing insurance to people with unspent convictions. However, a few providers may take a more positive approach in some circumstances. For example, some are less interested in non-motoring offences when applying for motor insurance.

Can I get a quote from Unlock?

No. Unlock does not sell insurance. As a charity we have focused on increasing access to insurance for people with convictions. As a result, rather than becoming a provider ourselves, we have sought to increase provision elsewhere, driving up competition, resulting in prices being driven down. However, we do publish a list of specialist insurance brokers who can help people with unspent convictions.

What is Unlock's list of insurance brokers?

Unlock helped set up the first insurance broker specifically for people with convictions. Now we have a comprehensive list of specialist insurance brokers, available to download from www.unlock.org.uk.

It provides a list of insurance brokers that provide various types of insurance cover to people with unspent criminal convictions. Insurance brokers try to find the best cover for your needs from amongst their own panel of underwriters. Unlock does not approve, endorse or recommend any of the insurers that are on the list. However, all the brokers are regulated by the FCA.

However, please note that there remains some particular situations where it continues to be difficult to find insurance if you have convictions. In particular, certain types of commercial insurance and/or people with convictions for sexual offences.

How should I use the list?

Make sure you contact all of the companies that apply to you. If you don't get a reply straight away, wait a couple of days (it can take time for brokers to place cases with their underwriters) then contact them again.

When making your decision, we advise that in addition to comparing price, you research the companies to see what other customers' experiences are of the insurers. This will allow you to make an informed choice. Unlock's [online forum](#) may be a helpful way of getting the experiences of other people in similar situations.

If you need to make a formal complaint about a broker, you must write directly to them. If they do not reply satisfactorily, you should then contact the Financial Ombudsman Service.

Are there any other insurers which are not on the Unlock list?

There may be other insurers which are able to cover some people with some unspent criminal convictions. For example, some insurers may have a policy of not taking non-motoring convictions

into consideration for motor insurance (even though they do for home insurance). There may also be other specialist brokers that can specifically help people with convictions.

The ability of an insurer to cover you may depend on:

- How long you have been a policy holder (if you have been with an insurer with a number of years, and have a good claims history, they may still be willing to continue cover)
- The type of conviction (certain convictions may be considered irrelevant)
- The length of time since the conviction

Do you have any general advice for people with conviction when buying insurance?

If an insurer doesn't ask about convictions, or doesn't ask a specific question that requires you to disclose your own convictions, you should check any documentation that you receive, including the terms of cover, to make sure that the information they have about you is correct. For example, we have seen examples where individuals were not asked about convictions, but then when they were sent the paperwork to sign, the section about convictions has been pre-populated with 'No'.

If an insurer does ask about conviction, make sure you get some form of written confirmation of the information you have disclosed. This will be helpful in the event of a dispute about what you have disclosed. You should not simply rely on a telephone call being recorded, or being given the name of the adviser you have spoken to. This will not be sufficient evidence to support your claim that you disclosed.

Is it more expensive getting insurance with a criminal conviction?

This is a very common question but there is no simple answer. Disclosure of unspent criminal convictions currently results in most insurers refusing to offer a quote. Therefore, you will have significantly less choice. It also means that standard 'mass market' policies, which may be cheap, are not available to you. As a result, it's not unusual to be faced with more expensive insurance when you get a conviction.

However, securing insurance through a broker can have price advantages. People who have stayed with the same insurance company for years may find their premiums have steadily risen. Asking a broker to secure the best price for you may result in premiums reducing, even with a conviction.

Over the last decade, as the choice of brokers has widened, prices have been driven down. Recently some brokers have begun to offer instant online quoting. By shopping around, it is often possible to match quotes obtained without criminal convictions.

The cost of insurance varies according to many factors and each insurer has a different approach. You may find that other factors (e.g your postcode or what you are trying to insure for) are more influential than your conviction. However, it remains the case that many people experience a significant increase in the cost of insurance when disclosing an unspent conviction.

What about commercial insurance?

This guide has focused on the disclosure of convictions in relation to ‘consumer’ insurance. This is defined in the relevant legislation as being “wholly or mainly for purposes unrelated to the individual’s trade, business or profession”.

However, if you are looking for commercial insurance, the situation regarding what you do and don’t have to disclose is different. This is because of changes to consumer insurance disclosure law that came into force in April 2013, but no similar changes have been made to commercial insurance.

What is meant by commercial insurance?

In most cases, it will be obvious. For example, it will normally involve policies that have a significant commercial element to them, including commercial buildings and contents, public liability, commercial motor or insurance taken out by companies.

Ultimately, if in doubt, the best advice is to check with the insurer, because in some cases, it will depend on the individual case. For example:

1. A car used for pleasure and business. It will depend on the balance of the use. Personal use, with occasional business use, is likely to be regarded as ‘consumer insurance’.
2. A van used for both business and pleasure. Again, it will depend on the balance of the use. Business use, with occasional personal use, is likely to be regarded as ‘commercial insurance’.
3. Buy to let insurance. An individual letting his own property out (possibly as part of his pension) could be classed as a consumer, whereas a buy-to-let landlord with numerous properties is likely to be a commercial client.
4. Taxi Insurance. This is likely to be regarded as a commercial insurance policy.

What do I need to disclose for commercial insurance?

For commercial insurance, the insurance contract is subject to a duty of good faith, which means that you will need to disclose all material facts, even if the insurer doesn’t ask a specific question. The challenge is, essentially, to ‘read the mind’ of the insurer regarding what is ‘material’.

However, because of previous challenges to this definition, we advise people with unspent convictions to ensure that they disclose all unspent convictions of people who are covered by the policy. This is even where there isn’t a specific question about convictions. Ultimately, if the insurer doesn’t believe it is relevant, they will inform you of this, and you should keep a written record of this if you end up purchasing a policy from them, in the event of a dispute later on down the line.

If you are not sure whether a policy is regarded as consumer or commercial insurance, you should err on the side of caution and disclose all unspent convictions, getting some form of written confirmation of your disclosure, which will be helpful in the event of a dispute.

Where can I get commercial insurance?

Unlock’s list has details of companies that can provide commercial insurance. However, it is also likely that, given this is an area of insurance that is less developed for people with convictions (because it is less common), you are also likely to find brokers who do not necessarily specialise in helping ‘people with convictions’ who will be able to help you simply because you are looking for commercial insurance.

Annex: About this publication

This publication has been produced as part of Unlock's peer developed and delivered Helpline and is available as a free download from our website.

Unlock Helpline - Information and advice on overcoming the long-term effects of convictions, from people with convictions

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