

This fact sheet tells you about the recent changes to the sexual offences laws and how these affect previous convictions for offences which have now been de-criminalised. It gives advice on what can and cannot be disclosed in a Criminal Records Bureau (CRB) check and what to do if you wish to get any previous convictions 'stepped down'

Adult men having sex in public can no longer be charged with gross indecency. Buggery is also no longer an offence. The age of consent for sex between men is 16. These changes to the laws were made following the 2003 Sexual Offences Act and apply retrospectively.

Although the above are no longer sexual offences, you may have a past conviction for gross indecency, buggery or for (consensual) sex with a male between the age 16 and 21. A record of these offences will be held on the police national computer (PNC) and could be disclosed if you or someone else such as an employer, applied for a Criminal Records Bureau (CRB) check. However, you can apply to have these previous convictions 'stepped down' from your records so they are no longer disclosed by the police.

What offences can be stepped down?

- A conviction for gross indecency
- A conviction for buggery
- A conviction for consensual sex with a male between 16 and 21

The police should not disclose these convictions in a CRB check because they are no longer offences. This means that although a previous conviction would always stay on police records they would not be disclosed in a CRB check.

You may have already had a CRB check and a previous conviction has been disclosed. If so, you should apply to have this conviction 'stepped down' and then re-apply for a new CRB form. Your employer (or similar) has to recognise the most recent CRB form and can **not** use any previous disclosures against you.

What offences can't be stepped down?

The right to have an offence stepped down would only apply to previous convictions that are no longer sexual offences. If, for example, you have been given a formal police caution or have a criminal conviction for an offence such as having sex in a public toilet, this is likely to be disclosed following a CRB check. A penalty notice (£80 fine) or a verbal warning given on the street would not normally be disclosed by the police.

Having a conviction for an offence such as cottaging doesn't give an employer (or similar) the right to exclude you from working with any particular group, such as young people. If you experience problems relating to employment or discrimination you should consider getting legal advice.



SEXUAL OFFENCES AND CRB CHECKS

**HOMOPHOBIC
TRANSPHOBIC
ABUSE?**

TELL US ABOUT IT

020 7704 2040
www.galop.org.uk

Homophobia and transphobia are crimes. Report them by calling or texting our helpline or online at our website.

Galop is part of the LGBT community. You do not have to give your name and we will treat what you tell us in confidence.

How to have a conviction stepped down

A person wanting to prevent these convictions being disclosed on a CRB check should do the following:

Firstly, if you are unsure whether you have any previous convictions you can find out what information the police hold on you. The Data Protection Act 1998 gives you the right to ask in writing whether there is any personal data that the police holds or has processed about you. This is the right of Subject Access. For a fee of £10 and proof of your identity you can request this information by going into a local police station or police operations centre asking for the relevant form (form 3019). You should complete this form and hand it back to your local police station. Alternatively you can send your completed application with fee and proof of identity to: **MPS Public Access Office, PO Box 57192, London SW6 SF.**

If you live outside of the Metropolitan Police Service area, you must apply to your local police force. You should be given a receipt for your application and the police are required to process this information within 40 days of it being received.

If you find out that there is information held by the police on a sexual offence that is no longer covered by the 2003 Sexual Offences Act then you can apply in writing to the police requesting that the conviction be 'stepped down'. Your letter should include your current name and address and details of when and where the offence took place. The letter should be addressed as 'private and confidential' and can be handed in at any police station.

Once a decision has been made you should be informed in writing within a maximum of 40 days. You also have the right to appeal against any decision made regarding your case.

For more information contact Galop; 020 77042040

You might also find the following organisations useful:

Criminal Records Bureau provides information regarding applying for CRB checks: 0870 9090 811
www.crb.gov.uk

The Apex Trust provides information and advice for ex-offenders, including the Job check helpline: Tel 0870 6084567. Email jobcheck@apextrust.com

Nacro www.nacrodisclosures.org.uk

Metropolitan Police Service
www.scotlandyard.police.uk/information

Always dial 999 if it is an emergency and you think you are in immediate danger.