



Insurance and Convictions

A simple guide for consumers

Information & Advice

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In association with



Association of British Insurers

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homeprotect[®]

Online home insurance for people with convictions - www.homeprotect.co.uk/unlock

1. Summary

This document has been produced to help you and your family 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. If you need more information, we also publish a free detailed guide.

2. Why do I need to disclose my convictions?

Under insurance law, you must disclose all 'material facts'. This includes all criminal convictions which are 'unspent' under the Rehabilitation of Offenders Act 1974 (ROA). It includes the convictions of everyone covered by the insurance, such as children or a partner. The type of offence does not matter.

3. What do I need to disclose?

Once a conviction is 'spent' under the ROA, it never has to be disclosed to insurers. Unspent convictions, fixed penalty notices, pending prosecutions and any other elements not covered by the ROA always have to be disclosed, even if an insurer does not ask about them. The table provides examples of sentences covered by the ROA. Full guide available from www.unlock.org.uk

Rehabilitation of Offenders Act	
Sentence	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

†Period from date of conviction during which conviction is unspent

**Periods are shorter for people who were under 18 when convicted*

4. When do I need to disclose?

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

5. 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, including obtaining a basic disclosure or subject access request, calling the Resettlement Plus Helpline (T: 020 7840 6464) or using the ROA guide on our website.

6. What could happen when I disclose an unspent conviction?

When looking for insurance, 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.

7. What could happen if I do not declare an unspent conviction?

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.

8. How might convictions affect making a claim?

If you disclosed all unspent convictions when you took out the policy, there should be no problem. If you did not disclose all unspent convictions, 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.

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

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.

10. Where can I get insurance?

UNLOCK publishes a list of brokers who specialise in insurance for people with unspent 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. Ask for written proof that shows you have disclosed your conviction or that they do not need to know about certain convictions. You can use this if they try to avoid a future claim.

11. Who can I contact for more help?

Financial Ombudsman Service

If you have a complaint about an insurer

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

T: 0845 080 1800

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

W: www.financial-ombudsman.org.uk

Financial Services Authority

For the regulator of financial services

A: 25, The North Colonnade, Canary Wharf, London E14 5HS

T: 0845 606 1234 (Consumer Helpline)

E: consumer.queries@fsa.gov.uk

W: www.fsa.gov.uk

UNLOCK

For information for people with convictions

A: 35a High Street, Snodland, Kent, ME6 5AG

T: 01634 247350

E: enquiries@unlock.org.uk

W: www.unlock.org.uk

Moneymadeclear

For information and guidance about money

T: 0300 500 5000 (Freephone)

W: www.moneymadeclear.org.uk

More information about the issues raised in this document is covered in *Insurance and Convictions: A detailed guide for consumers* (UNLOCK, February 2011).