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By email to:  
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10 May 2024

Dear Jess,

## **CRIMINAL JUSTICE BILL**

During Committee stage of the Criminal Justice Bill, I undertook to write to you with further information as to how convictions for the offence of loitering or soliciting for the purposes of prostitution contrary to section 1 of the Street Offences Act 1959 are treated under the Rehabilitation of Offenders Act 1974 (ROA) and the disclosure and barring regime (Official Report, 30 January 2024, column 507-515).

The offence of soliciting or loitering for the purposes of prostitution under the Street Offences Act is a summary-only offence carrying a maximum penalty of a fine not exceeding level 2 on the standard scale (or level 3 for a second offence).

The penalty related to an offence as well as the offence itself affects its treatment under the legislation which underpins the disclosure and barring regime. Where an individual with a conviction for this offence receives a fine, the offence will be unspent under the ROA and will therefore be disclosed on a Basic DBS check for 12 months from the date of conviction, and the individual will also have to self-disclose it, if asked, for the same period. Where an order for this offence is given, the offence will be disclosed on a basic DBS check for the duration of the order, or for two years from the date of conviction where the order has no specified end date.

Once a conviction is spent, the individual is treated as rehabilitated in respect of that offence and is not required to disclose it for most purposes, such as when applying for most jobs or insurance, educational courses or housing applications, nor will it be disclosed on a basic DBS check.

However, where an individual is seeking to work in roles that require a high level of public trust or involve special risks and sensitivities, such as working closely with children or vulnerable adults, an employer may request that they obtain either a standard or enhanced criminal record certificate from the DBS, and separate rules (known as filtering rules, which are laid out in legislation) would determine the disclosure of a conviction or caution for the above offence.

The roles and activities that are eligible for standard and enhanced criminal record checks are set out in legislation; the Police Act 1997, the Police Act 1997 (Criminal Records) Regulations 2002 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

These roles include security guard, solicitor (standard check) and teacher, doctor, nurse, care worker, taxi driver (enhanced check).

If an individual with a conviction or caution for this offence is applying for this type of role, and their employer requires a standard or enhanced DBS check, their certificate will disclose details of spent convictions and cautions, subject to filtering rules, as well as unspent convictions and cautions. A conviction or caution for the offence of loitering or soliciting for the purposes of prostitution under section 1 of the Street Offences Act 1959 will be automatically disclosed for longer on a standard or enhanced DBS check, than on a basic check:

- For 6 years, if the individual received a caution as an adult;
- For 11 years, if they received a conviction as an adult; and,
- For 5½ years, if they received a conviction when not yet 18.

In addition to records from the Police National Computer, enhanced certificates may include information from police records that a chief officer considers relevant to the application and ought to be disclosed. The Home Office has statutory guidance to support these considerations, to which chief officers must have due regard.

I hope this letter has set the position out clearly.

I am placing a copy of this letter in the library of the House.

Best wishes,

A handwritten signature in black ink that reads "Laura Farris". The signature is written in a cursive, flowing style.

**Laura Farris MP**  
**Minister for Victims and Safeguarding**