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**Criminal Record
Support Service**



What do I need to disclose?

Applying for jobs, roles or courses that are subject to higher-level DBS checks

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Introduction

This guide is for people who are applying for jobs, roles or courses that require placements, which are exempt, or 'excepted', from the Rehabilitation of Offenders Act 1974. These are the jobs, roles or courses in England or Wales which may require you to apply for a standard or enhanced or enhanced and barred Disclosure and Barring Service (DBS) certificate also known as higher-level DBS certificates.

Please note that different rules apply if you are applying for jobs, roles or courses in Scotland or Northern Ireland.

Schemes of disclosure

In England and Wales, there are two schemes of disclosure:

Self-disclosure

This is information that an employer or education provider asks you to provide in the form of a criminal record declaration. The information they are entitled to ask and that you are obliged to disclose depends on the type of role (or course) you have applied for.

Vetting checks

This is the formal process by which an organisation can verify the information you have self-disclosed. Most vetting checks in England and Wales are processed by the Disclosure and Barring Service (also known as DBS checks), but other types of vetting checks include security vetting such as Security Clearance, Developed Vetting, Counter Terrorism Checks among others. The type or level of check an organisation can request depends on the role you have applied for.

This practical guidance aims to provide a step-by-step approach to understanding exactly what you need to disclose and what you can expect to be disclosed on your DBS certificate. It should be read in conjunction with the [DBS filtering guidance](#) and the [Ministry of Justice \(MOJ\) guidance](#) (see, in particular, 'Exceptions Order').

For further comprehensive advice, support or training on disclosure, please contact Nacro's Criminal Record Support Service on 0300 123 1999 or email helpline@nacro.org.uk.

If you are an employer or education provider, please see our separate guidance ['What criminal record information can I obtain?'](#). You can also contact our Employer Advice Service by telephone on 0845 600 3194 or via email employeradvice@nacro.org.uk.

Self-Disclosure

Some organisations do not ask for any form of self-disclosure or criminal record declaration; some may only ask you to fill out a DBS (or other vetting check) application form.

However, many organisations will ask for some type of self-declaration. For jobs, roles or courses which are exempt from the Rehabilitation of Offenders Act, if asked for a self-declaration, you should disclose:

- > All unspent cautions (including conditional cautions, diversionary cautions and youth conditional cautions) and convictions
- > Any spent convictions and cautions which meet the criteria as outlined in the table below:

Disposal	Age when given/sentenced	How long since given/sentenced?
Adult caution for a specified offence*	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	Any age	Less than 11 years
	Under 18	Less than 5½ years

Important note: Reprimands, final warnings, and youth cautions are no longer subject to self-disclosure. Youth conditional cautions are subject to self-disclosure but only until they become 'spent' (three months from date of issue or earlier if the conditions cease to have effect).

*The full list of specified offences can be found on the [DBS website](#).

For jobs, roles or courses which are exempt from the Rehabilitation of Offenders Act, the employer or education provider should legally ask both the following questions:

1. Do you have any cautions or convictions which are unspent under the Rehabilitation of Offenders Act 1974?

For advice about how to answer this question, please refer to our guide: [The Rehabilitation of Offenders Act 1974](#). You can also use the [Ministry of Justice \(MOJ\) Disclosure Checker](#) which may help you work out when/if your offences may become 'spent'.

2. Do you have any adult cautions or 'spent' convictions which are not 'protected' (i.e. filtered) under the Rehabilitation of Offenders Act (Exceptions Order) 1975 (as amended)?

For advice about how to answer this question, please refer to the above table and to the filtering guidance that starts on page 5.

It is important that you understand how to answer the question accurately because, if you fail to do so and this later comes to light, you could find that your job offer or course acceptance is withdrawn, or even that you face disciplinary proceedings or criminal charges.

Vetting Checks: higher-level DBS Certificates

Which jobs, roles and courses are eligible?

Jobs, roles or courses which are exempt from the Rehabilitation of Offenders Act are eligible for higher-level DBS certificates. There is no single, comprehensive list of these roles, but they are set out in different laws including:

- > The Rehabilitation of Offenders Act (Exceptions) Order 1975
- > The Police Act 1997
- > The Police Act 1997 (Criminal Records) Regulations

Note that these laws provide eligibility for standard or enhanced DBS certificates; they do not make them a legal requirement.

The following gives you an idea of the sort of jobs, roles or course placements that are eligible for higher-level DBS certificates. Please note that this is not an exhaustive list:

- > Working in certain roles with children or vulnerable adults, or in certain environments where there is the opportunity for contact with them
- > Working in certain regulated professions, such as healthcare, law, some senior finance roles
- > Work that requires certain licences, including taxi drivers, Security Industry Authority, gambling

It can be difficult to know for sure whether the job, role or course you are applying for is exempt from the Rehabilitation of Offenders Act. If you would like advice about this, please contact our [Criminal Record Support Service](#) on 0300 123 1999 or email helpline@nacro.org.uk. You might also find it useful to have a look at the [DBS eligibility tool](#).

What information is disclosed on higher-level DBS certificates?

The Police Act 1997 sets out what information must be disclosed on standard and enhanced certificates. Both levels of certificate will disclose the following:

- > all unspent cautions (including conditional cautions, diversionary cautions, youth conditional cautions) and convictions
- > adult cautions and spent convictions which are not eligible to be filtered

An enhanced DBS certificate may also include any other information that the police hold about you, where they feel disclosure is justified in order to safeguard the children or vulnerable adults that you have applied to work with.

Most enhanced DBS certificates do not disclose any police intelligence, but if the police are thinking about disclosing information that they hold about you, they will normally write to you before the certificate is processed to let you know and to invite you to make representations against the inclusion of the information they have proposed to disclose.

If you receive this type of notification from the police and would like advice about making representations, you can speak to us in confidence on 0300 123 1999 or at helpline@nacro.org.uk.

If you have applied to work in regulated activity with [children](#) or [adults](#), your employer is required by law to check if you have been barred from working with the relevant group. These roles are, therefore, eligible for an enhanced certificate with a check against the relevant barred list.

The following table provides an overview of the information that may be disclosed on higher-level DBS certificates.

Information that may be disclosed	Level of DBS certificate		
	Standard	Enhanced	Enhanced + barred
‘Unspent conditional cautions, diversionary cautions, or youth conditional cautions)	YES	YES	YES
‘Unspent’ convictions	YES	YES	YES
Adult convictions which cannot be filtered	YES	YES	YES
Juvenile convictions which cannot be filtered	YES	YES	YES
Adult convictions which cannot be filtered	YES	YES	YES
Police intelligence	NO	YES	YES
Inclusion on the children’s barred list	NO	NO	YES
Inclusion on the adult’s barred list	NO	NO	YES

What is filtering?

Historically, if a role was 'exempt' from the Rehabilitation of Offenders Act 1974 (ROA), the recruiting organisation was entitled to know about the applicant's (or existing employee's) full criminal record history. This meant that all convictions, cautions, reprimands and final warnings and youth cautions held on the Police National Computer (PNC) were disclosed on higher-level DBS (formerly 'CRB') checks until a person reached 100 years of age.

Following a legal challenge in *T and another vs. Secretary of State for the Home Department and others*, on 29 May 2013, a filtering system was introduced which allowed for certain minor offences to be removed or 'filtered' from higher-level DBS certificates. In practice, lots of people with criminal records did not benefit from the filtering system because the rules about what could be filtered were very limited.

Subsequently, this legislation was challenged through the courts and in January 2019, the Supreme Court ruled that certain aspects of the filtering system were disproportionate. Further revisions to the filtering rules were implemented on 28 November 2020, and important amendments were implemented on 28 October 2023. The next section explains what information is now filtered from standard and enhanced DBS certificates.

Cautions and convictions that are eligible to be filtered will not appear on higher-level DBS certificates.

What are the filtering rules?

For adults (aged 18+)

An adult conviction will be filtered from a higher-level DBS certificate if:

- > The conviction is 'spent' under the Rehabilitation of Offenders Act 1974,
- > 11 years has elapsed since the date of conviction
- > The conviction did not result in a custodial or suspended prison sentence
- > The conviction does not appear on the DBS list of [specified offences](#)

An adult caution will be filtered after 6 years have elapsed since the date of the caution, as long as the offence is not on the list of [specified offences](#).

There is no limit to the number of cautions or convictions that can be filtered, as long as they meet the above criteria.

For juveniles (under 18)

If you were under 18 at the time of conviction, your conviction will be filtered from your standard or enhanced DBS certificate only if:

- > The conviction is 'spent' under the Rehabilitation of Offenders Act 1974,
- > 5½ years have elapsed since the date of conviction
- > The conviction did not result in a custodial or suspended custodial sentence
- > The conviction does not appear on the list of [specified offences](#)

There is no limit to the number of convictions that can be filtered, as long as they meet the above criteria.

Youth cautions (including conditional cautions), reprimands and final warnings are not automatically disclosed on higher-level DBS certificates, even if they are for offences on the list of specified offences. Youth conditional cautions are automatically disclosed until they are 'spent' under the Rehabilitation of Offenders Act 1974. Once 'spent' they are no longer automatically disclosed, even if they are for offences on the list of [specified offences](#).

How do I work out if my caution or conviction is eligible for filtering?

STEP 1: Apply for a copy of your police records (known as a subject access request)

You cannot apply for a higher-level DBS certificate yourself, as they are processed in relation to a specific job or role. The DBS use the Police National Computer (PNC) to process certificates, so if you are not sure what information is held about you on the PNC, you need to find out.

You can apply for a copy of your police records online, free-of-charge. The police must respond to your request within 28 days of receiving the application.

STEP 2: Assess the disclosure requirements of any cautions or convictions

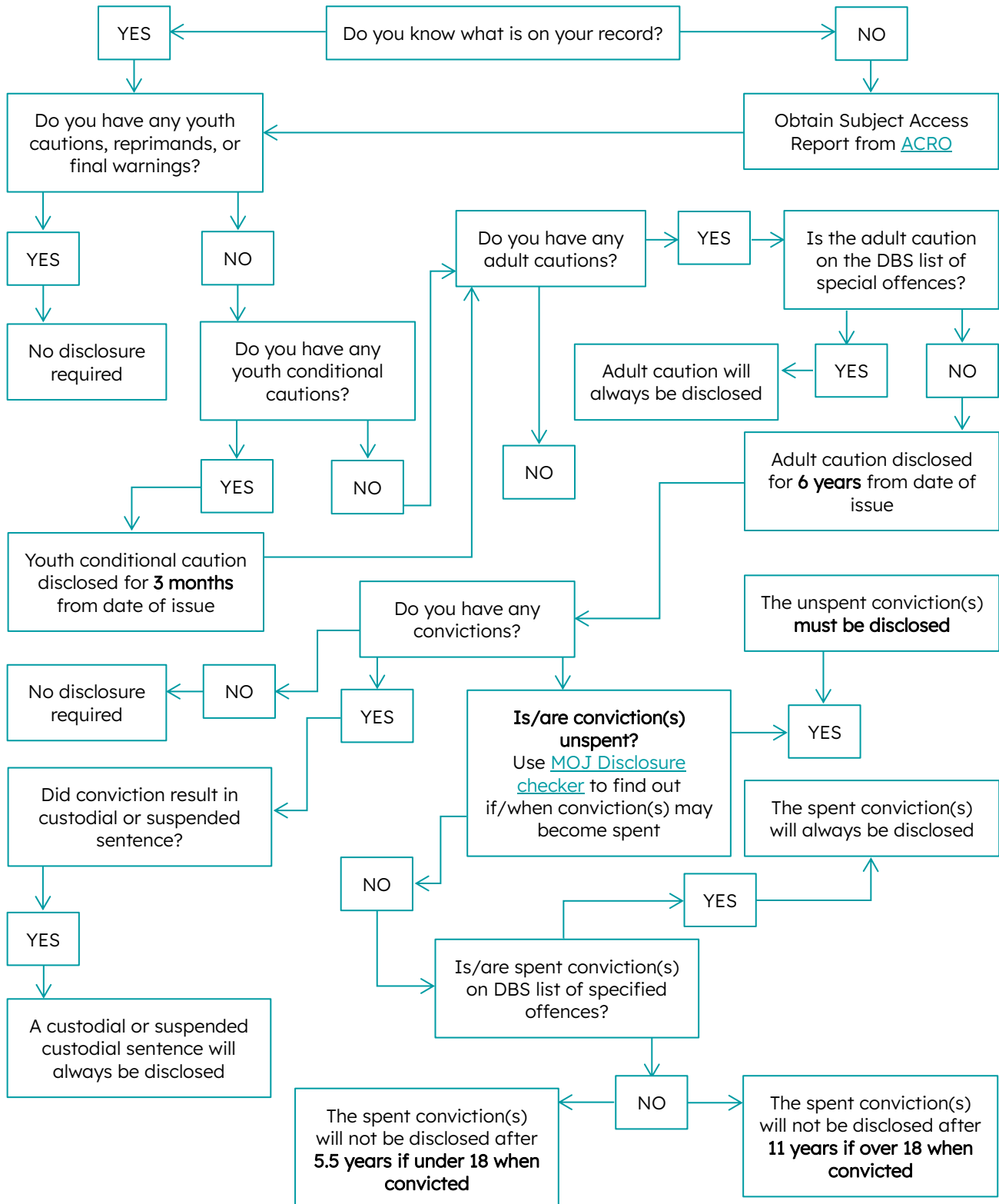
Using the flowchart on page 11, you can work out if you need to self-disclose your cautions or conviction. You can work out if your cautions or convictions will appear on your standard or enhanced DBS certificate.

If you are not sure if your caution or conviction is eligible to be filtered, or if you want advice about what you should disclose, you can contact our Criminal Record Support Service in confidence on 0300 123 1999 or at helpline@nacro.org.uk.

Step 3: Prepare disclosure if required

If you are required to disclose any cautions or convictions, we recommend that you prepare your disclosure using our [guidance on disclosure](#).

Again, if you need any help with this, you can contact our Criminal Record Support Service on 0300 123 1999 or at helpline@nacro.org.uk.



Frequently Asked Questions

Do I need to disclose filtered cautions or convictions for jobs that are subject to higher-level DBS certificates?

In most instances, no. If your conviction(s) and/or caution(s) will be filtered from your standard or enhanced certificate, you do not need to disclose them for job, roles or courses subject to these levels of checks.

There are two exceptions to this:

1. If your conviction or caution is still unspent under the Rehabilitation of Offenders Act, you must disclose it.
2. If you apply for a job that is subject to vetting checks that are not processed by the DBS, e.g. Police cadets, police officers, or Developed Vetting (DV) required for certain Civil Service jobs that require you to have access to highly classified information.

I have more than one caution. Are they all eligible to be filtered?

Any number of cautions can be filtered from your record, as long as they meet the eligibility criteria.

I have more than one conviction. Are they all eligible to be filtered?

Any number of convictions can be filtered from your record, as long as they are spent and meet all the other eligibility criteria.

What are the rules for multiple convictions (or counts) dealt with in the same court proceedings?

If you have multiple convictions dealt with in the same court proceedings, DBS advice is that once they are 'spent' under the Rehabilitation of Offenders Act 1974 (which incorporates the 'drag on effect' of further convictions; and treats all offences in the same proceedings together), each conviction (count) should then be considered independently regardless of whether it was dealt with in the same proceedings. Any offences that are eligible to be filtered will be filtered and those that are not eligible to be filtered will remain on the higher-level DBS certificate.

Take a look at the following example

Example

Wes has two convictions, one on 26 June 2007 for fraud and a second conviction on 01 June 2009, for three separate offences. His enhanced DBS certificate before the changes looked like this:

Conviction details		
Conviction	Date of conviction	Court
1	26 JUNE 2007 GREEN, WESLEY Offence: Fraud	Blackfriars Crown Court Community Order 12 months
2	01 June 2009 GREEN, WESLEY Offence:	Blackfriars Crown Court
	1 Possession of Class B drugs	Community Order 18 months
	2 Assault occasioning actual bodily harm	Community Order 18 months concurrent
	3 Possession of an offensive weapon	Community Order 18 months concurrent

As a result of the most recent changes to criminal record disclosure legislation on 28 October 2023, all his convictions were ‘spent’ (on 1 December 2010) and also meet the other criteria for filtering, with the exception of the conviction (count) for the assault occasioning actual bodily harm (ABH) because ABH is on the list of specified offences that cannot be filtered. Therefore, all the convictions except the conviction for ABH will be filtered and Wes’ higher-level certificate will now look like this:

Conviction details		
Conviction	Date of conviction	Court
1	01 October 2009	Blackfriars Crown Court
	GREEN, WESLEY	
	Offence:	
	1 Assault occasioning actual bodily harm	Community Order 18 months concurrent

What if I have cautions and convictions on my record?

As long as the cautions and convictions meet the eligibility criteria, both will be filtered from your higher-level DBS certificate.

If the caution does not meet the eligibility criteria, but the conviction does, the conviction will be filtered, and the caution will remain on your certificate.

If the conviction does not meet the eligibility criteria, but the caution does, the caution will be filtered, and the conviction will remain on your certificate.

Take a look at the following example.

In 2012, Jon accepted a simple caution for criminal damage. In 2014, he was convicted of theft and received a fine.

Jon’s caution will be filtered from his standard or enhanced DBS certificate as it was more than 6 years ago, and the offence of criminal damage is not on the list of specified offences which cannot be filtered.

Jon’s conviction will also be filtered from his standard or enhanced DBS certificate in 2025, 11 years from the date of the conviction.

How are absolute and conditional discharges treated under the filtering rules?

Absolute or conditional discharge orders are given upon conviction of an offence (i.e. admitting guilt or being found guilty). For this reason, they do form part of your criminal record and will be treated in the same way as other convictions for the purposes of self-disclosure and filtering.

What if I have a hospital order?

For the purposes of filtering, a hospital order is not considered a custodial sentence. However, if a hospital order is the result of a conviction, it will only be filtered from your standard or enhanced DBS certificate if it meets the other filtering criteria so it can be filtered from a higher-level DBS certificate if it meets all the other filtering criteria.

What if I received a fixed penalty notice or a penalty notice for disorder?

The filtering provisions relate to information that will be included on standard and enhanced DBS certificates that are 'relevant matters' as defined by the Police Act 1997. 'Relevant matters' are convictions and cautions.

As fixed penalty notices and penalty notices for disorder do not fall under the definition of a 'relevant matter', they would not be automatically released on a DBS certificate and, as such, are not subject to the filtering provisions.

Can a caution or conviction that has been filtered become unfiltered in the future?

No.

Can a caution or conviction that is eligible to be filtered be disclosed as police intelligence on an enhanced DBS certificate?

Yes. A chief officer may include details relating to an otherwise filtered conviction, caution, reprimand or final warning on an enhanced DBS certificate if s/he considers, having regard to all the circumstances, that it is relevant and ought to be disclosed.

Note that this only applies to applications for an enhanced DBS certificate; there is not such ability to include a filtered caution or conviction on a standard DBS certificate.

Need more help?

Contact our Criminal Record Support Service

Telephone: 0300 123 1999

(Monday–Thursday, 9am–5pm and Friday 1pm–5pm)

Email: helpline@nacro.org.uk

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