



My right to work with children and vulnerable adults

Explains what a DBS check is and what you can do if you are unhappy with the information held about you by the police. Applies to England and Wales.

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Overview

If you want to get a job which involves working with [children](#) or [vulnerable adults](#), you may be asked to get a [DBS check](#).

Quick facts

- A DBS check is a check of your criminal record which is used by an employer to decide whether you are a suitable person to work with children or vulnerable adults.
- Depending on what kind of job you are applying for, there are three different types of DBS checks: [standard DBS check](#), [enhanced DBS check](#) and [enhanced DBS with list check](#).
- A standard DBS check won't include information about your mental health problem, but an enhanced DBS check could include details of any non-conviction information held about you on local police records which [the police consider relevant](#).
- If you are not happy about the information disclosed on your DBS certificate, you can ask the Disclosure and Barring Service to [carry out a review](#).
- If your job offer is withdrawn because of a DBS check, you may be able to [challenge it on the grounds of disability discrimination](#).

Please note

- This guide only covers DBS checks from the point of view of a person with a mental health problem.
- This is not a guide to the jobs that require a DBS check.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your individual situation and needs. See [Useful contacts](#) for more information.

Terms you need to know

Term	Meaning
Caution	This is a formal warning about future conduct given by a senior police officer, usually in a police station, after a person has committed an offence. It is used as an alternative to a charge and possible prosecution.
Certificate dispute form	This is the form you use if you are unhappy about the content of a DBS Certificate.
Children	A child is a person under the age of 18.
Criminal record	A record of convictions held on the Police National Computer (PNC) for individuals convicted of crimes.
DBS certificate	The document issued following an application to the DBS for a criminal records check. It will contain the personal information you have provided and the result of the checks undertaken.
DBS check	A check of your criminal record carried out by the Disclosure and Barring Service . This used to be called a 'CRB check'.
Disclosure and Barring Service	<p>The agency responsible for processing requests for:</p> <ul style="list-style-type: none"> • criminal records checks • deciding whether it is appropriate for a person to be placed on or removed from a barred list • placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland <p>The Disclosure and Barring Service replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).</p>
Enhanced DBS check	A check of your criminal record which will show details of all spent and unspent convictions , cautions , reprimands and final warnings held on central police records (apart from protected convictions and cautions), plus additional information held on local police records that is reasonably considered relevant to the job in question.
Enhanced DBS with list check	A check of your criminal record which will show the same as an Enhanced DBS , but will also include a check of the Disclosure and Barring Service children and adults barred lists – a list of individuals who are barred from working with children or vulnerable adults.
Filtering	Filtering is the process which identifies and removes protected convictions and cautions so that they are no longer disclosed on a DBS certificate. Convictions and cautions are not 'wiped' from your record by filtering, they are simply not disclosed on the DBS certificate.

Final warning	<p>These no longer exist, but were given to young people under the age of 18 if the police decided not to prosecute them and they had already received a reprimand for a previous offence.</p> <p>They were also given for first offences that were too serious for a reprimand.</p>
Independent Monitor	An independent body responsible for reviewing disputes from applicants regarding local police information disclosed on Enhanced DBS Certificates .
Local police records	Police records, not held on the Police National Computer, containing non-conviction information.
Mental Health Act 1983	<p>This is a law that applies to England and Wales which allows people to be detained in hospital (sectioned) if they have a mental illness and need treatment. You can only be kept in hospital if certain conditions are met.</p> <p>See our information on the Mental Health Act.</p>
Place of safety	A locally agreed place where the police may take you to be assessed, usually a hospital. A police station should normally only be used in an emergency.
Protected convictions and cautions	Convictions and cautions which will be removed from your DBS certificate by filtering. Whether convictions will be protected will depend on the type of offence, when you were convicted or cautioned, and how old you were when convicted or cautioned.
Reprimand	The equivalent of a caution for young people aged under 18. These no longer exist. See also, final warning .
Spent convictions	A conviction that, after a period of time, can be treated as if it never existed and no longer needs to be disclosed (except for the purposes of DBS checks).
Standard DBS check	A check of your criminal record which will show details of all spent and unspent convictions , cautions , reprimands and final warnings held on central police records (apart from protected convictions and cautions).
Subject access request	<p>A written request to an organisation asking for details of the personal information they hold about you.</p> <p>See our information on accessing your personal information.</p>
Unspent conviction	<p>Except in very limited circumstances, when a person is convicted of a crime, that conviction is considered to be irrelevant after a set amount of time (the rehabilitation period) and it is then referred to as 'spent'. This period of time varies according to the sentence received.</p> <p>A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed.</p>

Vulnerable adult	A person aged 18 or over, who receives or may need community care services because of a disability, age or illness, and who is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.
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What is a DBS check?

It is a check of your criminal record which is used by an employer to decide whether you are a suitable person to work with children or vulnerable adults. DBS checks used to be called Criminal Records Bureau (CRB) checks and you may still see or hear them referred to as this. DBS checks are carried out by the [Disclosure and Barring Service](#).

Depending on what kind of job you are applying for, there are three different types of DBS checks:

- [Standard DBS check](#)
- [Enhanced DBS check](#)
- [Enhanced DBS with list check](#)

Jobs that require DBS checks

- [What jobs require a DBS check?](#)
- [What if I've been asked to have a DBS check but I disagree?](#)
- [When is a DBS check carried out?](#)
- [What if I'm a volunteer?](#)
- [What if I change jobs?](#)

What jobs require a DBS check?

Jobs that involve regular work with [children](#) or [vulnerable adults](#). An organisation cannot decide to just [DBS check](#) everyone it employs – the decision about whether a DBS check is needed has to be based on each individual role.

For some jobs, a DBS check will always be required – for example:

- teachers
- social workers
- childminders
- foster carers
- medical professionals

Some jobs in particular settings will also always require a DBS check – for example:

- schools
- children's homes
- hospitals

There are also jobs that require a DBS check when you enter the profession – for example:

- solicitors
- barristers
- veterinary surgeons
- accountants

There is [guidance](#) on what jobs require a DBS check, but it does not provide a list of jobs. If you are unsure whether a DBS check will be needed for a particular job, you should [contact the Disclosure and Barring Service](#) or you can use their [online eligibility checking tool](#).

What if I've been asked to have a DBS check but I disagree?

If you have been asked by a prospective employer to have a [DBS check](#), but you don't think the job requires one, you can ask the Disclosure and Barring Service to investigate. Read this guide on the [Gov.uk website](#) to find out how to do this (scroll down to 'Applicant eligibility enquiries').

When is a DBS check carried out?

A [DBS check](#) should only be carried out at the point a job offer has been made to you.

What if I'm a volunteer?

[DBS checks](#) are carried out on voluntary roles in the same way as paid roles – the only difference is that there is no charge for checking someone for a voluntary role. I You will only need to have a [DBS check](#) if the voluntary role involves regular unsupervised contact with [children](#) or [vulnerable adults](#).

What if I change jobs?

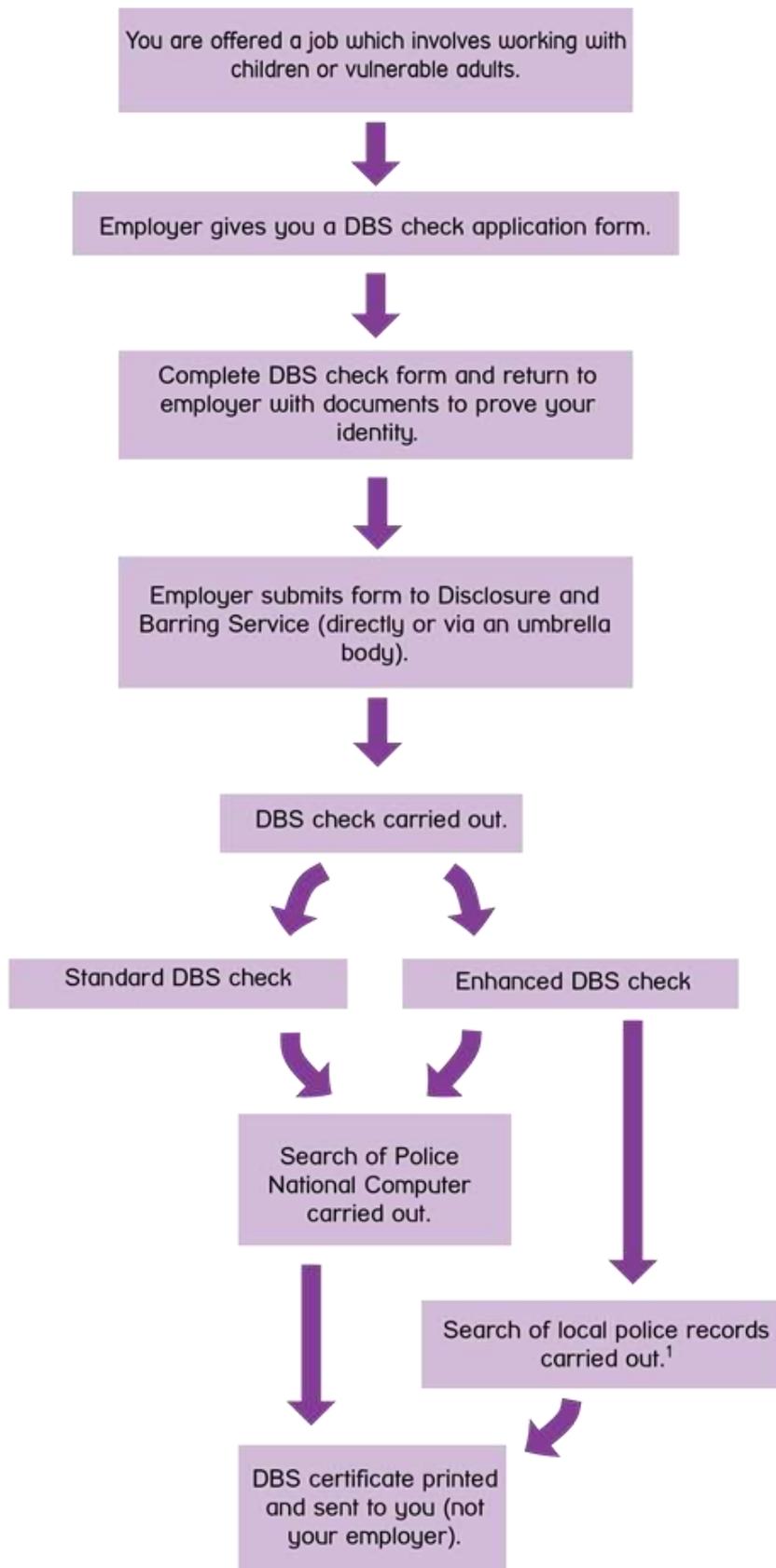
A [DBS check](#) does not expire, but it is only accurate at the date the check is carried out. It is up to your new employer to decide whether to accept a [DBS certificate](#) that you got for a previous job, or ask you to get another DBS check.

What is the process?

- [What is the process?](#)
- [How long does it take?](#)
- [How much does it cost?](#)
- [Can I get any help filling out my application form?](#)

What is the process?

See flowchart on next page



¹ A search of children and adults barred lists may also be undertaken if the job involves caring for, supervising or being in sole charge of children or vulnerable adults.

How long does it take?

This depends on:

- The level of check being carried out
- Whether the details provided are correct
- Which police forces are involved in the check (some forces may have backlogs in processing applications)

Generally it should take around 8 weeks.

How much does it cost?

You employer will pay for your [DBS check](#).

- [Standard DBS checks](#) cost £26.
- [Enhanced](#) and [Enhanced with list checks](#) cost £44.
- DBS checks for most volunteering roles are free.

Can I get any help filling out my application form?

The DBS has produced an [applicant's guide to completing the DBS application form](#) which is on the Gov.uk website.

What will show up?

- [What will show up on a DBS check?](#)
- [Will it include information about my mental health problem?](#)
- [How do the police decide what information to include?](#)
- [Can I find out what it would contain in advance?](#)
- [What if the information is wrong or irrelevant?](#)

What will show up on a DBS check?

It depends on what level of check is carried out and whether any convictions or cautions are protected.

What is a protected conviction or caution?

It used to be the case that all convictions and cautions appeared on a DBS check but this practice was successfully challenged in court. Now there are certain protected convictions or cautions which are filtered and do not appear on the DBS check.

There is a [list of offences that will never be filtered from a DBS certificate](#) and if you have been convicted of or cautioned for any of these offences they will always appear on your DBS certificate. The list has over 1000 offences on it, but some of the more common ones are:

- Certain sexual offences
- Offences of violence such as ABH, GBH, affray and robbery (but not common assault)
- Offences relating to the supply of drugs (but not simple possession)
- Safeguarding offences

For all other offences whether or not they appear on your DBS certificate will depend on a number of factors.

Cautions

Unless the offence is on the list of offences that will never be filtered, the following cautions will be filtered and will **not** appear on your DBS certificate.

- Cautions received when you were under 18 years old and 2 years have passed since the date of the caution.
- Cautions received when you were 18 years old or older and 6 years have passed since the date of the caution

Convictions

The term 'conviction' includes absolute and conditional discharges, and court-imposed bind-overs.

- If the conviction is for an offence on the list of offences that will never be filtered, **it will appear on your DBS certificate.**
- If you have received a conviction that resulted in a custodial sentence, **it will appear on your DBS certificate.**
- If you have been convicted of more than one offence, **all your convictions will appear on your DBS certificate.** This includes when you have been convicted of more than one offence at the same court appearance.

If you have only been convicted of one offence (not on the list of offences that will never be filtered) and you received a non-custodial sentence, then the following convictions will be filtered and will **not** appear on your DBS certificate:

- Convictions imposed when you were under 18 years old and five and a half years have passed since the date of the conviction.
- Convictions imposed when you were 18 or over and 11 years have passed since the date of the conviction.

Examples

- Aaron was 17 when he was cautioned for possession of cannabis in 2003 and 18 when he was convicted of possession of a class A drug and sentenced to a probation order in 2004. His caution is protected as he was under 18 when he received it and at least two years have passed. It will not show up on his DBS certificate. His conviction would be protected from 2015 and would not appear on any DBS certificated applied for after that date.
- Lisette was convicted of four counts of theft in 1995 when she was 17 and was sentenced to 120 hours community service. As she has more than one conviction her convictions are not protected and will show up on a DBS certificate.
- Jack was cautioned for theft when he was 16 in 2008 and convicted of robbery in 2009 when he was 17. His caution became protected after two years as he was under 18 when he received it, and it would not show up on a DBS check carried out now. However, robbery is on the list of offences that will never be filtered and will always show up on a DBS certificate.

What will show up on different types of check?

It depends on what level of check is carried out:

What kind of check is it?	What will show up?
Standard DBS check	Details of all spent and unspent convictions , cautions , reprimands and final warnings held on central police records (apart from protected convictions and cautions).
Enhanced DBS check	The same as the standard check plus any additional information held on local police records that is reasonably considered relevant to the job in question.
Enhanced DBS with list check	The same as an Enhanced DBS, but it will also include a check of the Disclosure and Barring Service children and adults barred lists – a list of individuals who are barred from working with children or vulnerable adults. This level of check will only be needed for jobs which involve caring for, supervising or being in sole charge of children or vulnerable adults.

Your prospective employer will tell you if a [DBS check](#) is needed for your job and, if so, what level of check is required.

Will it include information about my mental health problem?

A [standard DBS check](#) won't include this information, but an [enhanced DBS check](#) will include details of any non-conviction information held about you on local police records which the police consider relevant. This is formally known as 'approved information' but is more commonly referred to as 'non-conviction information' or 'police intelligence'.

This could include information which relates to your mental health – for example, if you have ever been removed to a [place of safety](#) by the police under section 136 of the Mental Health Act 1983 ([see our information on sectioning](#) to find out more).

How do the police decide what information to include?

Before including non-conviction information in your [DBS certificate](#), the police must 'reasonably believe' that the information is relevant and that it ought to be disclosed. This means they should consider the following:

- **There should be no presumption** either in favour of or against disclosing the particular information – for example, the police should not include all information about your mental health regardless of its relevance.
- **Information must be relevant.** Information must only be disclosed if the police reasonably believe it to be relevant to the job you have applied for. It should be serious enough to justify inclusion and should be sufficiently current, taking into account the age of the information, your age at the time of the incident and your conduct since the incident. The information should also have come from a trustworthy source.
- **The impact it has on you.** Account should be taken of the impact on you of disclosing the information.
- **Opportunity to comment.** The police should consider whether you should be given an opportunity to comment on the information before it is disclosed. The Gov.uk website has some [information](#) on how you may make representations about information the police may release on a DBS certificate.

The guidance for the police on disclosing non-conviction information from the [Gov.uk website](#) specifically says: 'On its own, information relating to physical health or mental health is unlikely to be appropriate for disclosure.'

The police have to balance any risk posed to the public against your right to privacy.



Example

Janet is 28 years old. When she was 18, she experienced significant mental health problems following a family bereavement. On one occasion, she became very distressed in a shopping centre and was removed by the police to a [place of safety](#) under section 136 of the Mental Health Act 1983.

She spent a few hours in a police cell before being taken to hospital to be assessed under the [Mental Health Act 1983](#). She has been well ever since and has never had any further involvement with the police.

Janet recently applied to work in a children's home. She has been offered the job and been sent a [DBS check](#) application form. Janet is worried that the [DBS certificate](#) will include details of when she was held in a police cell.

Because her new job will involve regular unsupervised work with children, Janet will need to have an [Enhanced DBS check](#), which will include relevant non-conviction information held on [local police records](#). However, the police will need to decide:

- whether the information about Janet is relevant to the job at the children's home
- whether the incident is serious enough to justify inclusion

The incident in this case did not happen because Janet committed a crime, but purely because she was mentally unwell. It happened 10 years ago when Janet was 18 and she has not had any involvement with the police since. Also, the [guidance on disclosure](#) says: 'The fact of detention under sections 135(1) or 136 of the Mental Health Act 1983 is unlikely, in itself, to be sufficient to justify disclosure.'

In these circumstances, it is unlikely that the police could justify including the information. If they did, Janet could ask the [Disclosure and Barring Service](#) to [review the certificate](#).

Can I find out what it would contain in advance?

Yes. You could make a [subject access request](#) to the police to find out what information they hold about you. [See our information on accessing personal information](#) to find out how to do this.

What if the information is wrong or irrelevant?

Your [DBS certificate](#) will be sent to you, not your prospective employer. This will give you an opportunity to challenge any of the information in the certificate.

Asking for a review

You can ask the [Disclosure and Barring Service](#) to carry out a review of the certificate if:

- **the information in the certificate is wrong** – for example, it includes information about another person or is inaccurate
- **you feel that information in the certificate is irrelevant** – for example, information about your mental health that has no relevance to the job you have applied for

To do this, you need to:

- complete a [Certificate Dispute Form](#). The Disclosure and Barring Service will pass the dispute to the relevant police force to reconsider
- make sure you do this within three months of the date on the certificate
- if you have any queries you can call the DBS customer services helpline on 03000 200 190

What could happen afterwards:

- **If the police decide to remove or amend the information** disclosed, the Disclosure and Barring Service will send you a replacement certificate.
- **If the police decide not to remove or amend the information** disclosed, the dispute will be referred to the [Independent Monitor](#) to investigate.
- **If the Independent Monitor agrees with you**, they will direct the Disclosure and Barring Service to issue a revised DBS certificate which doesn't include the irrelevant information.
- **If the Independent Monitor does not agree with you**, you may be able to take the police to court, but you would need to [seek advice from a public law solicitor](#) about this.

What if my job offer is withdrawn because of a DBS check?

You may be able to challenge this on grounds of disability discrimination, but it will depend on the reasons given by the employer for withdrawing the job offer.

You would need to be able to show that the employer has changed their mind **because you have a mental health problem**, and not because they believe the information in the [DBS certificate](#) suggests that you pose a risk to [children](#) or [vulnerable adults](#).

If you think you may have been discriminated against in this way, you should get advice from an employment law solicitor.

For more information on disability discrimination by a prospective employer, and how you can complain about this, [see our information on discrimination at work](#).

Useful contacts

Mind Legal Line

PO Box 277
Manchester
M60 3XN
0300 466 6463 (Monday to Friday, 9.00 am to 5.00 pm)
legal@mind.org.uk

The Mind Legal Line can provide you with legal information and general advice.

Disclosure and Barring Service

DBS helpline: 03000 200 190
Minicom: 03000 200 192
Welsh: 03000 200 191
International: +44151 676 9390
customerservices@dbb.gsi.gov.uk

DBS customer services
PO Box 3961
Royal Wootton Bassett
SN4 4HF

The Disclosure and Barring Service runs a Disclosure helpline for questions about DBS checks.

Independent Monitor

Independent Monitor
Safeguarding and Public Protection Unit
Home Office
4th Floor Fry Building
2 Marsham Street
London
SW1P 4DF
IndependentMonitor@homeoffice.gsi.gov.uk

The Independent Monitor is an independent body responsible for reviewing disputes from applicants regarding local police information disclosed on Enhanced DBS Certificates.

The Law Society

020 7242 1222 (England)
029 2064 5254 (Wales)
lawsociety.org.uk

The Law Society provides details of solicitors you can get in touch with for specialist legal advice.

Where can I get support?

Local Mind

Local Minds support over 280,000 people across England and Wales. Their services include supported housing, crisis helplines, drop-in centres, employment and training schemes, counselling and befriending. They may be able to help you find advocacy services in your area.

Find your local Mind [here](#).

Find an advocate

An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account.

For information on advocacy services and groups in your area, you could start by contacting the [Mind Legal Line](#) and your [local Mind](#).

Read more about how [advocacy](#) might help you.

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