



DBS filters certain old and minor cautions and convictions, reprimands and warnings from criminal record certificates

From 29 May 2013, the DBS will be removing certain specified old and minor offences from criminal record certificates issued from this date. Changes to the legislation were introduced today (29 May 2013) to allow us to do this.

The filtering rules, together with the list of offences that will never be filtered, are available from www.gov.uk/dbs

In line with these changes you should be aware question e55 on our application forms is now worded incorrectly and the DBS have no plans to update the current form. To ensure the law is followed correctly, we need employers to bring the following change to the Applicant's attention when completing the form.

Instead of answering the current question:

'have you ever been convicted of a criminal offence or received a caution, reprimand or warning?'

They should instead be answering the question:

'do you have any unspent convictions, cautions, reprimands or warnings?'

What will be filtered?

An adult conviction will be removed from a criminal record certificate if,

- (i) 11 years have elapsed since the date of conviction
- (ii) it is the person's only offence and
- (iii) it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the list of specified offences. If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution - and if it does not appear on the list of specified offences.

For those under 18 at the time of the offence:

A conviction received as a young person would become eligible for filtering after 5.5 years - unless it is on the list of specified offences, a custodial sentence was received or the individual has more than one conviction.

A caution administered to a young person will not be disclosed if 2 years have elapsed since the date of issue - but only if it does not appear on the list of specified offences.