



DBS Checks NEU guidance for members in England & Wales

This document is intended to address the issues which commonly arise in relation to Disclosure and Barring Service (DBS) checks.

What is a DBS check?

Disclosure and Barring Service (DBS) checks are designed to help employers determine your suitability for appointment. As part of most school and college recruitment processes, you will be asked to apply for an enhanced disclosure certificate from the DBS. Your prospective employer – or a registered body, such as a local authority authorised to do so – will process and countersign the application form.

The DBS disclosure certificate is a paper document which may include information from local police records, such as acquittals or other non-conviction information. If you have been convicted of an offence in the past, this information may appear on the enhanced disclosure.

The enhanced DBS disclosure certificate may also indicate you are barred from working with children and/or vulnerable adults. It may show whether you are on the children's and/or the adults' barred lists (both formerly known as List 99).

When will I require a DBS check?

That will depend on your employer's vetting policy, but DBS checks may be triggered by:

- a change of employer
- a move to a post which brings you into contact with children for the first time
- a break in service of three months or more.

Do I have to be DBS checked if I take a break of more than three months because of maternity, adoption, parental leave or sickness?

A return to work after a period of statutory leave is not a new appointment, nor a break in service. Therefore, a DBS check is not required.

The same answer would apply if you returned from a sabbatical during which your employment continued.

Must my criminal record certificate be renewed and, if so, how often?

The NEU has become aware through casework that some employers have a three-year rolling programme of DBS checks. This is not a legal requirement, but may form part of the employer's safeguarding procedures. The union does not take issue with this practice provided that employers and service users (in the case of agency supply staff) meet the cost. Employers and service users should encourage staff to sign up to the DBS Update Service as a portable, cheaper and easier way to access up-to-date criminal records. Further details about the service and how to subscribe to it can be found below.

Do I have to be DBS checked every time I move from one school or local authority to another?

Since September 2006, supply agencies have been able to pass the results of DBS checks (but not the certificate itself) between other school supply agencies and between individual schools.

If you have been DBS checked, there is no statutory requirement that another DBS check is carried out before you take up employment in a different school, college or even in a different local authority, provided you have continuous service and the check is at the correct level for the new post.

The same applies if you have never been DBS checked because you were appointed before 2002 – that is, there was no statutory requirement for a check to be carried out, other than a check of the barred lists.

It is up to the receiving organisation to carry out a risk assessment to assess whether the check is at the correct level for the current role, whether it is accurate and whether they trust the previous organisation to have carried out the check efficiently. The school, college or local authority should ask for evidence from the previous school, college, local authority or supply agency, that the check was undertaken.

I have previously lived outside the United Kingdom. Will a DBS check be sufficient? Home Office guidance requires a prospective employer to obtain a certificate from the embassy or police force of the country in which you lived, but only if a DBS check has not provided sufficient information. There can be a significant cost attached to certificates, and prospective employers should not ask for them merely because you have lived outside the UK. The NEU takes the view that a blanket policy of seeking certificates from another country, even in circumstances where a DBS check has provided sufficient information, would disproportionately disadvantage job applicants born outside the UK and should be avoided unless it can be justified.

I work in a further education (FE) college with students over 18 years old. Do I need to be DBS checked?

Educators seeking positions in FE colleges where they will be dealing only with students over 18 years of age are not subject to standard or enhanced DBS checks.

Can I apply for a DBS check without going through my employer or employment agency?

Yes. You may use the services of an umbrella body to obtain a certificate. A list of these bodies (some offering their services for free) may be found by using the search facility at: gov.uk/dbs

Alternatively, you may make a data subject access request to your local police force, which will provide you with up-to-date details of any criminal records in the UK (including non-conviction material) relating to you. A subject access application form can be downloaded from most police force websites. There are links to police force websites in England and Wales on the ACRO Criminal Records Office website at: acro.police.uk

How do self-employed educators obtain a criminal record certificate?

The DBS cannot process standard or enhanced disclosures for self-employed people. If you wish to obtain a DBS certificate, you will need to register with a supply agency or umbrella body.

Furthermore, parents or carers who engage self-employed home tutors do not have to check an individual they wish to engage.

What sort of information will appear on my criminal record certificate?

An enhanced disclosure can disclose:

- details of all convictions, cautions, reprimands, warnings, discharges (conditional and absolute) held on the Police National Computer (PNC)
- results of checks against the DBS barred lists
- any information (including non-conviction information) held by the local police forces that the chief police officer reasonably believes to be relevant to the application and ought to be disclosed.

As part of the enhanced disclosure process, the DBS sends each application to the relevant police forces across England, Wales, Scotland and Northern Ireland. The police are not limited to disclosing conviction information only. It is the statutory duty of the chief officer of every relevant police force to consider the release of any information that they reasonably believe to be relevant and ought to be included on the certificate. This include, but is not limited to:

- details of incidents that did not result in police investigation or in prosecution
- details of prosecutions that resulted in a verdict of not guilty
- information that provides the background to a conviction recorded on the PNC (such as victim profile, method/weapons used, level of violence, nature of injury/harm inflicted etc).

What sort of information should not appear on my criminal record certificate?

The chief police officer should not disclose any non-conviction information which they do not reasonably believe to be relevant to the purpose for which the certificate was requested.

The DBS has been removing/filtering certain old and minor offences from certificates since 29 May 2013.

Convictions obtained more than 11 years ago (if you were 18 or over at the time) will not be disclosed in a criminal record certificate, provided certain conditions are met (eg you do not have more than one conviction offence) and the conviction does not relate to any offences contained in a prescribed list. For more information go to the DBS filtering guide at: gov.uk/government/publications/dbs-filtering-guidance

Any cautions, reprimands or warnings issued six years ago or more (if you were aged 18 or over at the time) or issued two years ago or more (if you were under 18) will no longer be disclosed in the criminal record certificate unless they relate to one or more offences contained in the [prescribed list](#).

If old and minor convictions, cautions, reprimands and final warnings appear on your certificate, even though you believe they should not, you may apply to the DBS to have the relevant entry removed, using the DBS [certificate dispute form](#).

Can I start work pending a criminal record certificate?

Yes, you can be appointed and start work pending receipt of a satisfactory certificate, provided it is obtained as soon as possible after your appointment and you are closely supervised in the meantime by someone who has been DBS checked.

Will I get a chance to correct inaccurate or misleading information contained in my certificate before it is disclosed to my existing or prospective employer?

Yes, you will. Changes in the law ensure that a copy of the certificate will be sent to you for checking before it is disclosed to your prospective employer or registered body, if different. This will ensure that before the certificate is disclosed to anyone else, you are able to challenge it and, if successful, have removed any information which may prejudice the prospective employer's view of your suitability for the job. Statutory guidance from the Home Office also requires the chief police officer to seek your views before disclosing information where:

- there is doubt as to whether the purpose for which the certificate is being requested actually requires the disclosure of certain information
- you are unaware of, or have never had a fair opportunity to answer, any allegations made against you

- there is doubt that an allegation could be substantiated
- there is doubt as to whether factual information is correct or remains valid
- it is questionable whether disclosure of the information would represent a disproportionate interference with your private life.

What should I do if the police refuse to remove or amend information contained in my certificate?

Any disclosures made by the police on an enhanced DBS certificate may be referred to an independent monitor if you do not agree that the disclosure should have been made. However, it will not be possible to ask the monitor to review decisions made by the chief police officer prior to September 2012.

What should I do if I am asked about previous convictions and cautions on a job application form?

Your prospective employer is entitled to ask you to disclose all relevant convictions and cautions, including spent convictions, if you are seeking work with children and/or vulnerable adults. However, you are not obliged to disclose any spent convictions, cautions, reprimands or final warnings which would be filtered in line with current DBS guidance. If a conviction/caution on your record would be filtered, you can answer 'No' if asked whether you have previous convictions/cautions, provided you are confident that the offence would be filtered. If, after reading the [DBS filtering guide](#), you are still not sure whether previous offences will be subject to filtering, you can seek free and impartial advice from [Unlock](#), a charity with expertise in this area.

How much does a criminal record certificate cost and do I have to pay for it out of my own pocket?

The cost of an enhanced disclosure is currently set at £44. The legal position is that the cost is passed by the DBS to the individual. However, many employers absorb the cost. Others (supply agencies in particular) rely on individuals to pay. This is a practice the union is very much against. If you are a supply teacher, refer to the NEU guidance, Supply Teaching and DBS Checks.

Will my criminal record certificate be portable?

The DBS Update Service was adopted to reduce the cost and improve the portability of criminal record certificates. If you choose to subscribe to it and pay a small annual fee, the service will allow you to apply for a criminal record check once and then, if you need a similar check again, you may reuse your existing certificate, with your organisation checking online to see if it is still up to date.

How much will the Update Service cost and will I be expected to pay for it?

The service is currently set at £13 per annum. This may be paid either by you or your employer. If your employer pays for the cost of your certificate and/or the Update Service subscription, or reimburses you for the same, this will be exempt from income tax. Where your employer has previously met the cost of DBS checks, but subsequently refuses to do so, alert your school/college rep or the NEU Adviceline to the change (details below).

How do I subscribe to the Update Service?

You can apply online to join at: gov.uk/dbs-update-service

You will receive a unique ID number, which will enable you to access your Update Service account online.

What information will my employer(s) see when they carry out a status check online?

Your employer will receive one of the following results:

- This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.
- This DBS certificate remains current as no further information has been identified since its issue.
- This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.
- The details entered do not match those held on our system. Please check and try again.

Does being on the Update Service mean I will never have to pay for a certificate again?

In most cases it will. Either you or your employer will meet the initial cost of a new DBS certificate to gain access to the system. Once that is paid, you/your employer will be required only to meet the cost of annual subscription unless the status of your certificate changes. A status change may be prompted by the addition of a new conviction, caution, reprimand or warning to your records, or the addition of any new relevant police information. Removal of an old and minor conviction would not change the status of your certificate.

If the status of your certificate changes, you or your employer will be required to pay for a new certificate to be issued.

Do I have to subscribe to the Update Service?

No. Subscription to the service is not mandatory, but employers are likely to encourage you to join because it will greatly assist their safeguarding procedures. The NEU has no objection to this, provided employers – who will benefit most from the service – are prepared to meet the costs associated with subscription.

What should I do next?

If further advice is needed, contact your NEU workplace rep in the first instance. If there is no NEU rep in your workplace, or the peripatetic nature of your employment makes contact with a workplace rep difficult, contact the NEU Adviceline in England on 0345 811 8111 or NEU Cymru in Wales on 029 2049 1818.

Further contact details may be found at: neu.org.uk/contact-us

Further information

NEU guidance, available at: neu.org.uk

- Police Information
- Allegations
- Supply Teaching and DBS Checks

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