Appendix B

Disclosure and Barring Service (DBS) filtering guide

What are the filtering rules?

For adults
An adult conviction will be removed from a DBS certificate only if:
(i) 11 years have elapsed since the date of conviction
(ii) It is the person’s only conviction
(iii) Conviction did not result in a custodial or suspended sentence
(iv) Conviction does not appear on the list of specified offences

An adult caution will be removed after six years have elapsed since the date of the caution and if it does not appear on the list of specified offences. There is no limit to the number of cautions that can be filtered.

For juveniles
A juvenile conviction will be removed from a DBS certificate only if:
(iii) Five and a half years have elapsed since the date of conviction
(iv) It is the person’s only conviction
(v) Conviction did not result in a custodial or suspended sentence
(vi) Conviction does not appear on the list of specified offences

A youth caution, reprimand or final warning will be removed after two years have elapsed since the date of the caution and if it does not appear on the list of specified offences. There is no limit to amount of cautions, reprimands or final warnings that can be filtered.

Key considerations for employers

- It is unlawful to carry out a standard or enhanced DBS check for a role which is not ‘exempt’ from the ROA, and therefore not eligible for a DBS check
- It is unlawful to require an applicant to disclose a ‘protected’ conviction, caution, reprimand or final warning, which would be filtered off a DBS check
- It is unlawful to require an applicant or existing employee to carry out an ‘enforced subject access request,’ i.e. provide a copy of their Police National Computer (PNC) record from the police
- Applicants are not legally required to disclose fixed penalty notices (FPNs), penalty notices for disorder (PNDs) or other disposals that are not convictions, cautions, reprimands or final warning
- Applicants are not legally required to disclose allegations, arrests or not guilty verdicts
Filtering process flowchart

Do you know what is in your criminal record?
- Yes
  - Do you have any cautions, reprimands or final warnings?
    - Yes
      - Do you have any cautions, reprimands, or final warnings that are on DBS list of specified offences?
        - Yes
          - Offences will never be filtered
        - No
          - Under 18s: Cautions, reprimands, or final warnings will be filtered after 2 years if under 18 when disposal received
          - Over 18s: Cautions will be filtered after 6 years if over 18 when disposal received
    - No
      - Do you have any convictions?
        - Yes
          - Under 18s: If under 18 when convicted, the conviction will be eligible for filtering after 5½ years
        - No
          - Over 18s: If over 18 when convicted, the conviction will be eligible for filtering after 11 years
          - No
            - All convictions must be disclosed and will never be filtered
          - Yes
            - Conviction must be disclosed and will never be filtered
          - No
            - Did conviction result in suspended or custodial sentence?
              - Yes
                - Does the conviction appear on the DBS list of specified offences?
                  - Yes
                    - Conviction must be disclosed and will never be filtered
                  - No
                    - All convictions must be disclosed and will never be filtered
              - No
                - Obtain subject access request from local police force

Comprehensive guidance on filtering can be downloaded here.