What will be filtered by the DBS?

Disclosing to employers - Information series

Since May 2013, standard and enhanced checks no longer disclose ALL cautions and convictions. Following a Court of Appeal ruling, the Government introduced a process of ‘filtering’.

How it works

‘Filtering’ is similar in its concept to the rehabilitation periods under the Rehabilitation of Offenders Act 1974. However, instead of establishing what is ‘spent’ and so what doesn't get disclosed on a basic check, ‘filtering’ establishes what doesn't get disclosed on a standard or enhanced DBS check.

Information that is filtered will be removed from a DBS check automatically the next time you apply for one. But it doesn't get ‘removed’ or ‘wiped’ from police records. In practice, it means that if you're applying for a job or role that involves a DBS check, you are legally entitled to withhold the details of anything that would now be filtered. For a detailed guide on filtering, search for ‘filtering’ on hub.unlock.org.uk.

What it applies to

Cautions – Multiple cautions can be filtered, so long as the offences are eligible and the relevant time period has passed for each. Each caution is dealt with separately in terms of when it's filtered.

Convictions – Only single convictions that didn't lead to a suspended or custodial sentence can be filtered, so long as the offence is eligible and the relevant time period has passed.

Types of offences*  

<table>
<thead>
<tr>
<th>Eligible for filtering</th>
<th>Not eligible for filtering</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common assault</td>
<td>Offences involving violence</td>
</tr>
<tr>
<td>Drunk and disorderly</td>
<td>Safeguarding offences</td>
</tr>
<tr>
<td>Many motoring offences</td>
<td>Sexual offences</td>
</tr>
<tr>
<td>Drugs offences only involve possession</td>
<td>Drugs offences that involve supply</td>
</tr>
<tr>
<td>Theft (where no violence is involved)</td>
<td></td>
</tr>
</tbody>
</table>

Filtering periods

<table>
<thead>
<tr>
<th>Age</th>
<th>Caution</th>
<th>Conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18</td>
<td>2 years</td>
<td>5.5 years</td>
</tr>
<tr>
<td>Over 18</td>
<td>6 years</td>
<td>11 years</td>
</tr>
</tbody>
</table>
DBS checks* - Filtering flowchart

Do you know for sure what's held on your police record?
  - Yes
  - No

Get a copy of your 'subject access request' from your local police force to check what's on the PNC

For each caution*

Is the offence eligible for filtering?*
  - Yes
  - No

How old were you when you received the caution?
  - Under 18
  - Over 18

The caution will be disclosed
It will be filtered after 2 years
It will be filtered after 6 years

For convictions*

Do you have more than one conviction on record? (including more than one “count/offence”)
  - Yes
  - No

Did the conviction result in a prison (or suspended) sentence?
  - Yes
  - No

The conviction will be disclosed

How old were you when you received the conviction?
  - Under 18
  - Over 18

Is the offence eligible for filtering?*
  - No
  - Yes

The conviction will be disclosed

* Key
- ‘DBS check’ = A standard or enhanced criminal record check
- ‘Cautions’ includes cautions, youth cautions, reprimands and final warnings
- ‘Convictions’ includes convictions, bind-overs, conditional discharges and all other court disposals
- An offence is not eligible for filtering if it appears on a list of specified offences published by the DBS (see front page of this information for a summary of these.

For a detailed guide on filtering, search for ‘filtering’ on hub.unlock.org.uk.