Apply the filtering rules to the single conviction offence that your force owns (see Convictions Flow)

Does the applicant have more than 1 conviction offence? See Guidance

Does your force own any convictions? NOT cautions, warnings, reprimands

The Home Office filtering rules apply to you from here on in

Open notification – does your force own any conviction, caution, warning or reprimand belonging to the applicant?

No

Yes

No

Yes

Does your force own 1 or more convictions?

The Home Office filtering rules apply to you from here on in

Apply the filtering rules to the single conviction offence that your force owns (see Convictions Flow)

Will this single conviction be removed by the filtering rules?

Yes

No

Consider relevance of the MO/background (QAF)

Does your force own any of the applicant’s cautions, warnings or reprimands?

No

Yes

End – continue QAF process

Apply the filtering rules to the offences that your force owns (see Cautions Flow)

Does your force own any offences which will be removed by the filtering rules?

No

Yes

Apply QAF to determine whether there is a need to disclose these offences

End – continue QAF process

Does your force own any convictions, cautions, warnings or reprimands belonging to the applicant?
Convictions — Remember that convictions should be considered at ‘offence level’

**Criteria**

1. **Number of conviction offences = 2 or more?**
   - Yes → **Resolution**
     - Conviction offences totalling 2 or more will not be removed
   - No → **Conviction on list of Specified offences?**
2. **Conviction on list of Specified offences?**
   - Yes → **Is the conviction one of the ‘grey list’ offences?**
     - Yes → **Is the scenario test met?**
       - Yes → **Resolution**
         - Convictions on list Specified offences will not be removed
       - No → **Conviction offences which resulted in a custodial sentence will not be removed**
     - No → **Conviction offence resulted in custodial sentence?**
   - No → **Conviction offence resulted in custodial sentence?**
     - Yes → **Resolution**
       - Conviction offences which resulted in a custodial sentence will not be removed
     - No → **Applicant aged 18 years or older when convicted of offence?**
3. **Applicant aged 18 years or older when convicted of offence?**
   - Yes → **Conviction received more than 11 years ago?**
     - Yes → **Resolution**
       - Filtering will be applied
     - No → **Conviction received more than 5 years & 6 months ago?**
   - No → **Resolution**
     - Convictions received 5 years & 6 months ago or less will not be removed
Cautions (incl. Warnings, Reprimands)

Criteria

- **Caution on list of Specified offences?**
  - Yes → Is the caution one of the 'grey list' offences?
    - Yes → Is the scenario test met?
      - Yes → Cautions on list of Specified offences will not be removed
      - No → Cautions received 2 years ago or less will not be removed
    - No → Cautions received more than 6 years ago? (Resolution)
      - Yes → Filtering will be applied
      - No → Cautions received 6 years ago or less will not be removed
- No → Applicant aged 18 years or older when Caution given?
  - Yes → Caution received more than 2 years ago?
    - Yes → Cautions received 2 years ago or less will not be removed
    - No → Cautions received more than 6 years ago? (Resolution)
      - Yes → Filtering will be applied
      - No → Cautions received 6 years ago or less will not be removed
  - No → Caution received more than 6 years ago? (Resolution)
    - Yes → Filtering will be applied
    - No → Cautions received 6 years ago or less will not be removed
- No → Caution received more than 2 years ago? (Resolution)
  - Yes → Cautions received 2 years ago or less will not be removed
  - No → Cautions received more than 6 years ago? (Resolution)
    - Yes → Filtering will be applied
    - No → Cautions received 6 years ago or less will not be removed
Immediately prior to a Disclosure certificate being printed DBS will now apply filtering rules to all PNC records. Unfortunately there will be no filtering flag/marker included in the LPF notifications that forces receive, and as such DU staff will need to apply the rules for themselves in order to identify which offences will not appear on the certificate.

There are two scenarios which you need to be aware of:

1. In cases where an offence will be filtered, the police retain their ability to release the data as Approved Information (after applying QAF).
2. In cases where information that is additive to a PNC record may be released (contextual information/MO etc.) police must determine whether it relates to an offence that will be filtered.

The filtering rules will be applied at offence level. For example, one conviction may contain two offences, in which case we would refer to these as individual ‘conviction offences’. The filtering rules used by DBS are as follows:

**Rule 1 (relates to convictions, cautions, warnings and reprimands)**

Offences (convictions, cautions, reprimands & warnings) that are included on the specified list will always remain on a Disclosure certificate, and will not be subject to filtering. If an offence is on the specified list and falls into the grey list category this will not be subject to filtering if the scenario test is passed. The specified list of offences accompanies this guide.

**Rule 2 (relates ONLY to convictions)**

Conviction offences which resulted in a custodial sentence (including suspended sentences) will always be shown on a Disclosure certificate. The list of custodial sentence codes accompanies this guide.

**Rule 3 (relates ONLY to convictions)**

Where an individual has more than one conviction offence (custodial or non-custodial) then all conviction offences will always be shown on a Disclosure certificate.

**Rule 4 – Filtering Convictions (relates ONLY to convictions)**

Where an individual has only one conviction offence and that offence is not included on the specified list or on the grey list where the scenario test is not passed (Rule 1) and resulted in a non-custodial sentence it will not be shown on a Disclosure certificate after a specified period from the date of the conviction.

- For convictions received on or after the individual’s 18th birthday the specified period will be 11 years – therefore an offence will be filtered 11 years plus 1 day after the conviction
- For convictions received prior to the age of 18 the specified period is 5.5 years – therefore an offence will be filtered after 5 years, 6 months plus 1 day

**Rule 5 – Filtering Cautions, Reprimands & Warnings (DOES NOT relate to convictions)**

Those cautions, reprimands & warnings which are not covered by Rule 1 will not be shown on a Disclosure certificate after a specified period from the date of the caution.

- For cautions, reprimands & warnings received on or after the individual’s 18th birthday the specified period will be 6 years – therefore an offence will be filtered after 6 years plus 1 day
- For cautions, reprimands & warnings received prior to the age of 18 the specified period is 2 years – therefore an offence will be filtered after 2 years plus 1 day
The existence of a conviction offence, the number offences or the offence classification does not affect Filtering Rules for cautions, reprimands & warnings – likewise, the existence, number or classification of caution, reprimand & warning offences does not affect the Filtering Rules for conviction offences.

As stated within the guidance, the filtering rules will be applied at **offence level**. For example, one conviction may contain more than one offence, in which case we would refer to these as individual ‘conviction offences’. If one conviction contains more than one conviction offence, Rule 3 applies:

**Rule 3 (relates ONLY to convictions)**
Where an individual has more than one conviction offence (custodial or non-custodial) then all conviction offences will always be shown on a Disclosure certificate.

**Example applicant PNC record:**
- One conviction for one offence of Common Assault (not on Specified List; non-custodial; received 13yrs ago)
- Two Cautions (not on Specified List; received 8yrs ago)
- Three Reprimands (not on Specified List; two received 7yrs ago; one received 3yrs ago)
- Five Warnings (not on Specified List; received between 7 – 9 yrs ago)

In this example, only one offence will not be removed by the Filter Rules and will appear on the certificate (the one Reprimand received, received 3yrs ago).

If the example were changed to:
- One conviction for **TWO** offences of Common Assault (not on Specified List; non-custodial; received 13yrs ago)
- Two Cautions (not on Specified List; received 8yrs ago)
- Three Reprimands (not on Specified List; two received 7yrs ago; one received 3yrs ago)
- Five Warnings (not on Specified List; received between 7 – 9yrs ago)

In this example, as there are two conviction offences, no convictions are filtered/removed; the one Reprimand received 3yrs ago will still not be removed by the Filter Rules; the two Common Assault conviction and this one Reprimand will appear on the certificate.

**Impending Prosecutions**
Impending Prosecutions do not fall under the umbrella of convictions, cautions, warnings, reprimands etc. and, consequently, they have no impact at all on the Filtering Rules (and, likewise, the Filtering Rules do not cover or affect Impending Prosecutions).

**Example applicant PNC record:**
- One conviction for one offence of Common Assault (not on Specified List; non-custodial; received 13yrs ago) and
- Five Impending Prosecutions (any offence)

The conviction offence will be filtered/removed (the Impending Prosecutions do not affect the Rules). Relevance etc. is applied, by the Owning Force(s), to their Impending Prosecutions (and to their Filtered conviction offence). Should any of the five Impending Prosecutions result in a conviction (not a caution, reprimand or warning) then both the new conviction offence and the earlier Common Assault will not be filtered/removed (as per Rule 3).

The Filtering Rules are applied, by DBS, at PNC Retrieval Stage (where applicable, after all forces have completed their work) – as Impending Prosecutions are not ‘retrieved’ by DBS (they are not part of the DBS PNC Extract and have never been ‘automatically’ added to a certificate by CRB/DBS) they do not enter the Rules Engine and so can have no impact on the Rules outcome.