Quality Assurance Framework

An applicant's introduction to the decision-making process for Enhanced Disclosure and Barring Service checks

Standards and Compliance Unit

Contents

The Quality Assurance Framework

Introduction

This guide is intended to give the reader – primarily applicants for an Enhanced Disclosure and Barring Service checks ('EDBS' checks – also known as an Enhanced Criminal Record Check or 'ECRC') an insight into the Quality Assurance Framework (QAF). QAF is the decision-making tool used by the Disclosure Units of police and other law enforcement agencies when considering whether information should be disclosed or not, under the legislation, for employment purposes.

The QAF is a standardised decision-making process; it has its basis in Part V of the Police Act 1997, (referred to hereafter as 'The Act') which is the legislation relating to Criminal Record Checks. It also reflects case law resulting from challenges to Enhanced disclosures made under The Act:

Section 113B(4) of The Act (as amended by the Protection of Freedoms Act):

> *(**4**) Before issuing an enhanced criminal record certificate the Secretary of State must request any relevant chief officer to provide any information which —*
>
> *(a) the chief officer reasonably believes to be relevant for the purpose described in the statement under subsection (2), and*
>
> *(b) in the chief officer's opinion, ought to be included in the certificate.*

What kind of information can be considered for disclosure?

An Enhanced Disclosure and Barring Service (EDBS) check can include Convictions, Cautions, Warnings and Reprimands (all of which are, usually, disclosed automatically, as per the legislation, after old & minor records have been filtered and removed). But that is not all: an Enhanced Certificate can go further than that (113B(4), above). The courts have considered just what the authors intended by those words and concluded that *'any information'* means ***'any'***, just as the legislation states. This includes, but is not limited to:

- incidents for which individuals were never arrested, charged or prosecuted
- incidents for which individuals were found 'Not Guilty' in a court of law (in certain circumstances)
- incidents which were dealt with other bodies other than the police (such as Local Authorities in their disciplinary processes; employers; schools; hospitals etc.)
- third party information - information about people other than the applicant

Many people believe that only criminal ***convictions*** can be disclosed, but the legislation does not limit police in this way. It is also the case that, even if a person was acquitted of all charges (found Not Guilty), information may still be disclosed if the Chief Officer believes that it passes the required tests - and the courts support such disclosure.

"I do not suggest for one minute that allegations should not be disclosed in an ECRC simply because the alleged offender has been acquitted. The circumstances surrounding the acquittal are all important. There will be instances where an alleged offender is acquitted but only because the Magistrates (or Jury) entertain a reasonable doubt about the alleged offender's guilt. The tribunal of fact may harbour substantial doubts.
In such circumstances, however, it might well be perfectly reasonable and rational for a Chief Constable to conclude that the alleged offender might have committed the alleged offence."
Mr Justice Wyn Williams, Case of R (S) v West Mercia and CRB 2008, Para 70

The 2007 Guidance, Safeguarding Children and Safer Recruitment in Education, included a simple definition of just what is meant by this additional *'any information'* within Appendix 9. It states that additional information is: *"information held on local police records, which does not form part of a person's criminal record. It is often called 'non-conviction' information. Each Chief Constable decides what, if any, non-conviction information should be released in response to an application for [an Enhanced] disclosure."*

Such information must, however, still pass certain tests before it may be disclosed and this is where the QAF comes in. In the cases of R (S) v West Mercia and CRB 2008 and R (RK) v South Yorkshire Police 2013, the decision-making was found wanting and the challenge against disclosure was upheld.

In the case of R (AR) v Greater Manchester Police, 2013, the decision-making was not found to be at fault and the challenge against disclosure failed.

The QAF is maintained to ensure that it continues to be up-to-date with any changes to legislation and with new case law.

The QAF can be found online at:

https://www.gov.uk/government/organisations/disclosure-and-barring-service
(enter 'QAF' - no quote marks - as a Search term)

Overview of the QAF documents

At the heart of the QAF are two different types of documents: Method Products (MPs) and Audit Trail documents (ATs). We'll begin by explaining the role of each type:

The Method Products (MPs)

There are seven MPs, seven of which are step-by-step flow charts, accompanied by associated guidance. The seven each cover a different aspect of the assessment and decision-making process.

The Method Products are split into information ***filtering*** and information ***assessment***: *This 'filtering stage' is not to be confused with the Home Office Rules for Filtering Old & Minor Offences.*

Filtering Stage Method Products (6)

The first stage of the process; some information will be thrown out at this stage as it is not of interest. The AT2 (see Page 5) records the outcomes from this filtering stage:

- **MP1** – general process map for the overall QAF process
- **MP2** – used when attempting to match the applicant with the information held
- **MP3** – used when considering relevance of non-conviction information
- **MP4** – used when considering 3rd Party* access to the vulnerable
- **MP5** – process overview of the Home Office Rules for Filtering Old & Minor Offences
- **MP6** - used when considering relevance of information which is background to a conviction recorded on the Police National Computer (PNC)

***3rd** Party – an individual with a relationship to the applicant or the applicant's home address*

Assessment Stage

Information recorded on the AT2 is considered further at the assessment stage. The AT3 (see below) records the outcomes from this stage:

- **MP7a** – considerations of Relevance, Substantiation and Proportionality
- **MP7b** – considerations of the safety aspects of disclosing information

More detail will be given on the Method Products a little later

The Audit Trail documents (ATs)

The three Audit Trail documents have three separate functions:

- **AT1** – a record of all local police intelligence databases, detailing when and how each should be searched (the AT1 is specific to each and every Disclosure Unit)
- **AT2** – used to record all intelligence record matches ('Hits') that pass the MP Filtering stage, after being found by following the processes detailed in the AT1
- **AT3** – used to record the thought process (known as the *rationale*) and decisions made when evaluating information during the assessment stages; if disclosure is to be made, it also records the wording of the disclosure

Processing an application using the QAF

a) The applicants name, date of birth, 5-year address history, employer details etc. from their application form are provided to police and they begin searching their systems for a match or 'Hit' – police follow their own search instructions, as recorded in each of their AT1s.

The MP2, MP3, MP4, MP5 and MP6 are used as filters to determine whether any of the information matches found might be needed for further consideration. Information that passes through these filters may be of interest and each is recorded on the AT2 as a separate 'Hit'.

b) The information is then tested against the questions in the MP7a. Each piece of information must be considered and evaluated; it must pass all of the required tests to remain under consideration for disclosure – if any piece of information fails any one of the tests, it cannot be disclosed. The AT3 is used to record the thought process and conclusions – it will record why each 'Hit' passed or failed; why it remained under consideration for disclosure or why it was thrown out.

c) Any remaining information is then tested against the MP7b questions and the AT3, again, is used to capture the thought process and conclusions; recording why information passed or failed. A decision is then made - whether to propose disclosure or not – and, if disclosure is proposed, a draft is made of the proposed disclosure text.

d) All that has been done up to this point is then reviewed by senior staff. The disclosure decision is also reviewed – earlier decisions may be overturned at this point.

e) If anything still remains for disclosure consideration, it then passes to the Chief Officer (or their delegate) for a final review of the case as recorded in the AT3. The Chief Officer is responsible for making and authorising the final decision: should the information be disclosed or not.

Before arriving at their final decision, the Chief Officer must consider the Human Rights of those who may be affected by their decision – they must 'weigh' the potential effects of disclosure on the applicant's private life against the potential risk of harm to the vulnerable group(s) from non-disclosure. They must begin with the scales at balance (i.e. they must not favour the interests of the vulnerable or the applicant) and they must record their thoughts and their conclusion.

To summarise

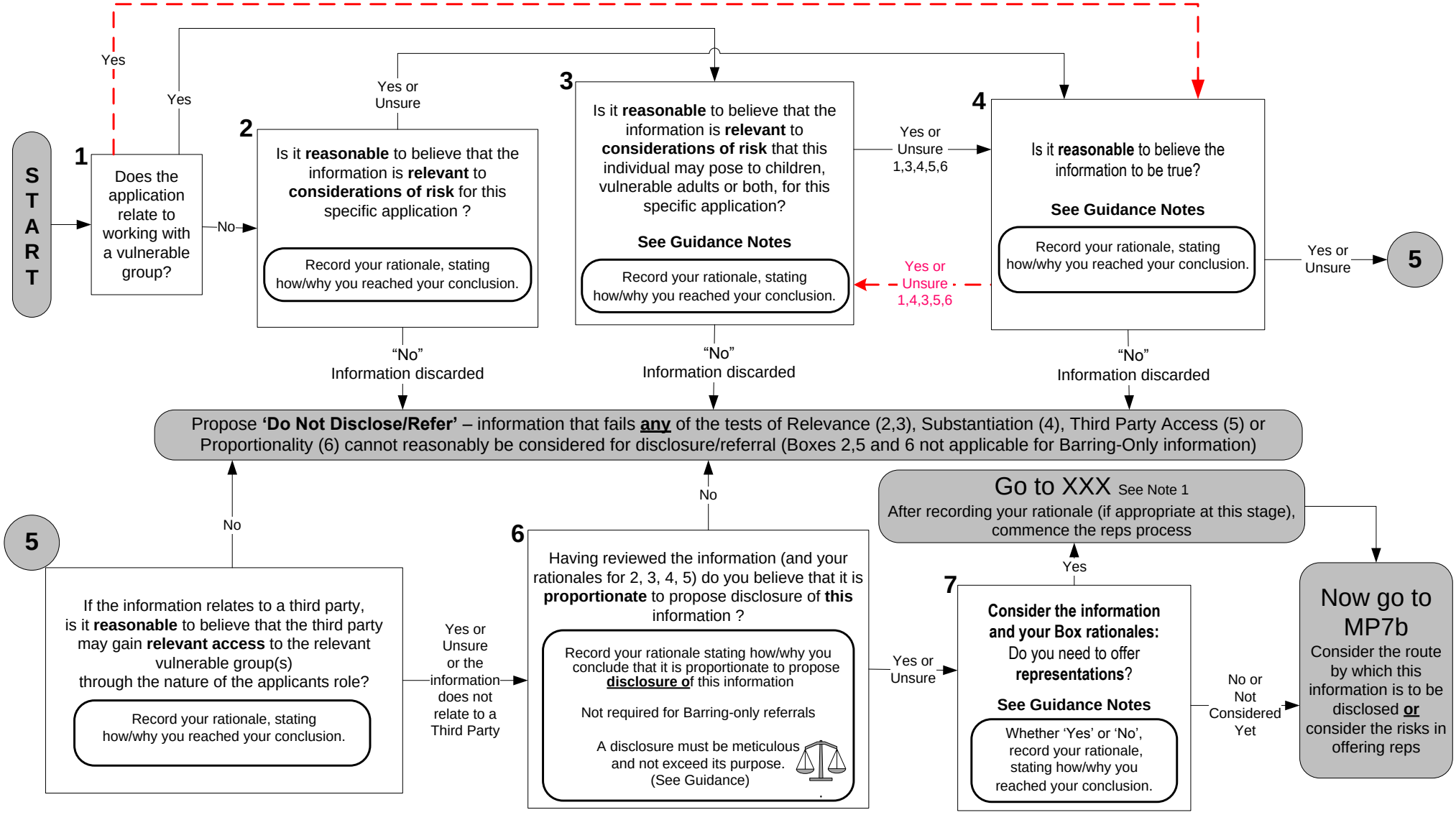
Information must pass certain tests (contained within the MP7a and MP7b) and police must record, in the AT3, their thought process (their 'rationale') to explain how/why they reached all of their conclusions and decisions.

Information must be assessed by the Chief Officer to determine whether it is reasonable to believe that it is relevant **and** whether, in their opinion, it ought to be disclosed. Information should only be disclosed if it meets both of those requirements.

Consideration must be given to the Human Rights impact of disclosure and non-disclosure on the applicant and on the vulnerable group/groups associated with the application – this is the specific duty of the Chief Officer/Delegate of each force and their rationales and decisions must also be recorded in the AT3 audit trail.
A copy of the MP7 is provided on the following page:

MP7a – Disclosure/Referral Rationale Consideration (page 1 of 6)

Previous decision logs will have identified information about an applicant, or third party, that might be relevant. This process will help you determine whether it is reasonable to believe that the information should be considered further.



This Method Product process does not need to be followed in strict numerical order - you need to decide which 'route' best suits the information that you are assessing. Although answering all relevant questions will produce the same end result, if you believe information is likely to be **discarded** you can reduce the amount of work (audit recording) required to reach your conclusion by beginning at the Box that relates to the weakest aspect of the information – if your information fails any test at Box (2), 3, 4, (5) or 6,it is likely that disclosure will not be possible (you cannot disclose what is not relevant/might not be true/cannot be substantiated or is not proportionate).

Note 1
XXX – the location used for recording reps in your DU

QAF v9 Issue Date: June 2013

The MP7a

Although all of the individual parts of QAF – the MPs and the ATs - play a part in the decision-making process, the MP7a is, arguably, the most important. Some of the questions that it asks – the 'tests', as they are known, contained in MP7a – have been described by the courts when judges have been ruling on challenges to disclosures made by police under The Act referred to at page one.

The MP7a steps are referred to as 'Boxes' and are numbered 1 to 7 – we refer to the numbered questions as, for example, 'Box 3', for easy reference.

There are three primary tests - which all information must pass - and one secondary test, which only comes into play in specific circumstances.

The primary tests:

- Box 2 (or Box 3*): test of Relevance
- Box 4: test of Truth/Substantiation
- Box 6: test of Proportionality

The secondary test:

- Box 5: test of 3rd Party access to the vulnerable

**Whether Box 2 or Box 3 is used depends upon the application itself. If the application does not involve working with children or vulnerable adults, Box 2 is used.*

Box 5 only comes into play when information concerning a 3rd Party has been found. If such information passes the Box 5 test, it must still pass the other three primary tests.

Box 7 (Representations) stands alone and should be considered in all cases

The tests

The tests for disclosure have a lower pass threshold than that required for conviction in a criminal court of law ('*beyond reasonable doubt*'). That is to say that, by law, information being considered for disclosure ***does not*** need to pass the '*beyond reasonable doubt'* test (the test for disclosure is not set that high).

The civil threshold ('*on the balance of probabilities'*) is closer to what is required here, but police also have specific direction from case law. This case law has developed over time as people have challenged disclosures in the courts and certain phrases found in QAF (in the ATs, MPs and in guidance) reflect the words and the direction of the courts.

Information must pass all of the required QAF tests – if it fails even one of them, it should not be disclosed and that is before it gets to the Human Rights considerations referred to earlier: it may pass all of the Box tests and still fail on Human Rights grounds, resulting in no disclosure being made.

Box 3 – Relevance

Relevance of information is considered against the workforce that the applicant is applying to work within (Children's Workforce; Adults Workforce etc.)

The Chief Officer can consider the disclosure of any information which they reasonably believe to be relevant to the application and, in their opinion, ought to be disclosed. Police must satisfy themselves that it is reasonable to believe that the information is relevant to considerations of the risk that the applicant may pose, to whichever vulnerable group the applicant will be in relevant contact with, when undertaking their role.

The 2002 Department for Education and Skills Guidance, Child Protection: Preventing unsuitable people from working with children and young persons in the education service, stated, at paragraph 20 that: *"Enhanced Disclosures show spent and unspent convictions and cautions. The police may also provide details of acquittals or other non-conviction information held on local police records, which are relevant to the job or voluntary position being sought. The test is one of relevance."*

Police cannot make suitability decisions or recommendations - it is for each employer to consider the disclosed information and decide whether the applicant is suitable for a particular role or not. Information, therefore, may indicate to the employer that the applicant may be a risk in some roles but not in others; the employer is responsible for managing that risk appropriately.

Box 4 – Substantiation

For disclosure purposes, police are required to consider whether there are "*untoward circumstances*" that lead them "*to believe that the information might not be true*" or "*is so devoid of substance that it would be unreasonable to conclude that it might be true*" [terms used by judges, in specific cases, when ruling on challenges to disclosure].

If the information is *"so unlikely to be true, or so lacking in substance, that it would be disproportionate to disclose"*, police should not disclose at all.

The weight of evidence required is set at a reasonably low level. Some have argued that a higher test, one of a balance of probabilities should be used. Case law, however, asks for consideration of whether there are untoward circumstances that lead the decision-maker to believe that it is unlikely that the information is true or that the information is so without substance as to make it unlikely to be true.

A reasonable decision-maker would not disclose the existence of allegations without first taking reasonable steps to ascertain whether they might be true.

It is important to remember that, as we have covered earlier, police may legitimately consider disclosing '*any information'* – this wording is taken from the legislation and has been tested in court – they may disclose information of matters that did not result in a conviction, a prosecution or even a charge – as long as they pass the tests within QAF.

Why is this? One reason is that the two groups that disclosure primarily seeks to protect from harm are children and vulnerable adults, both of whom, sadly, are the least likely to make good witnesses. They are the most easily scared or threatened into silence; they can be confused or intimidated by the legal processes; on the whole, they are less likely to present themselves as credible or believable when set against their abusers. All of this is known to police and understood by the courts. So, the very people that service seeks to protect are not only those at most risk, but the ones upon whose evidence police are least likely to secure a conviction.

So, there may not be sufficient evidence to secure a prosecution or even get a case to court (remember, the tests in court are far higher than those required for disclosure) but there may be enough for police to believe that someone may pose a real risk.

Box 5 – 3rd Party

Sometimes, police hold information not on the applicant, but on a family member, relative or close friend and, as the legislation permits disclosure of '*any information'*, this too may be considered for disclosure. There needs to be, however, a reason to believe that the person in question poses a risk and that they may gain relevant access to the vulnerable, through the applicant, before disclosure can be considered. Such information will usually be considered for applications that indicate that the applicant will have a vulnerable person in their own home (i.e. fostering, child minding etc.)

Box 6 – Proportionality

Police must also consider whether it is proportionate to consider disclosure of information – this is part of the '*relevant'* and '*ought to be disclosed'* requirements we covered earlier.

Firstly, the information must have passed all of the other tests: if it does not pass the test at Box3 OR Box4 (or Box5, if it relates to a 3rd Party) it cannot be proportionate to disclose and so cannot be disclosed at all. However, just because information passes all of the other tests, it does not automatically mean that it would be proportionate to propose disclosure.

Police must consider other factors, such as how long ago an incident occurred; how old the applicant was at the time of the incident; the conduct of the applicant since the incident (if known); whether the information is relatively trivial and not really evidence of a risk at all.

Finally, the Chief Officer must establish whether or not they believe that the impact of disclosure on the private life of those concerned outweighs the potential risk to the vulnerable group from making no disclosure. In every case they must consider whether there is likely to be an interference with a person's private life and, if so, whether that interference can be justified.

Box 7 - Representations

At any stage of the process, police may recognise that they need more information in order to reach a decision and may contact the applicant (or a 3rd Party) in order to obtain this information – this is known as offering ***representations***.

The responses obtained are then added to the information held by the police and become a factor in their decision-making. They may decide not to disclose some, or all, of the information as a result, or re-word the disclosure text itself to make it, for instance, more balanced, accurate and fair.

"…typically, where a chief officer is considering the issue of an ECRC, it is likely to be appropriate for him to afford the applicant an opportunity to make representations, unless, for example the facts are clear and not in dispute…" Munby LJ, case of R (B) vs Derbyshire Constabulary Sept. 2011, Para 60.

"There may (though I suspect only in those probably comparatively infrequent cases where the facts are both clear and known not to be in dispute) be occasions when, as in L, there is no need to give the applicant an opportunity to make representations." Munby LJ, case of R (B) vs Derbyshire Constabulary, Sept. 2011, Para 61.

The types of factors that should be considered before a disclosure decision is made are:

- *if it is unclear whether the position* [*employment] *for which the applicant is applying really does require the disclosure of such information* [*our addition]
- *where the information may indicate a state of affairs that is out of date or no longer true*
- *if the applicant has never had a fair opportunity to answer the allegation*
- *if the applicant appears unaware of the information being considered for disclosure*
- *if the facts are not clear and are in dispute*

Further guidance on representations can be found in QAF guidance document GD4

Human Rights & the Chief Officer's final considerations

The Chief Officer, before making any disclosure, must satisfy himself that disclosure really is necessary and applicable in each case – he must review the QAF audit trail and consider the impact that the disclosure may have on the private life of the applicant and the impact that non-disclosure may have on the vulnerable (the risk of harm). The following is taken from the Chief Officer section of the AT3:

In undertaking my statutory obligation as Chief Officer under Part V of the Police Act, I have reviewed Sections 2 and 3 of this document and am satisfied that the decision rationale is accurate, cogent and sufficiently comprehensive. I reasonably believe the information to be relevant for the purpose described and in my opinion it ought to be disclosed.

I attest to the following:

- I believe the information to be of sufficient quality to pass the required tests
- I reasonably believe the information to be relevant to anyone with responsibility for considering the risk that this individual may pose, having regard to the specifics of this application
- I believe the disclosure is reasonable and proportionate
- I believe the disclosure to be accurate, balanced and fair
- Where information relates to a 3rd party, I believe that it is reasonable to consider that the 3rd party may have relevant access to children or vulnerable adults through the nature of the applicant's role
- The Human Rights of all relevant parties have been duly considered and a record of these considerations has been made
- I have considered offering representations and, where representations have been made, I have taken them into account. A record of these considerations has been made

For the statements and conclusions above, the Chief Officer must record how and why they reached those conclusions by recording their thought process (their rationale).

When considering the potential Human Rights impacts, the courts have directed that the Chief Officer begins with no pre-disposition to either disclose or to not disclose – they must begin 'at balance', favouring neither one party or another.

Any disclosure will likely cause some disruption to the applicant's private life and may also affect them professionally. In some cases, the information may be so obviously reliable, relevant and serious as to be disclosable however detrimental the consequential effect on the applicant. In other cases, the balance will be less clear. The Chief Officer must establish whether or not they believe that the impact of disclosure on the private life of the

applicant/third party outweighs the potential risk to the vulnerable from making no disclosure. In every case they must consider whether there is likely to be an interference with the applicant's private life, and if so whether that interference can be justified.

There remains the possibility that, in some cases, there will be both disruption to the private life of the applicant ***and*** a risk of harm to the vulnerable. In such circumstances, the opinion of the courts is that whilst Parliament has provided the pressing need for disclosure of information through the legislation, the Chief Officer is required to consider whether the intrusion (the impact from disclosure, upon the private life of the individual) is proportionate to the risk that it seeks to manage. So, if the negative impact on the applicant's private life (including employment prospects) is far greater than the potential risk of harm to the vulnerable, a decision not to disclose may be the appropriate one.

Making a reasonable decision

The Courts have recognised that, when two reasonable persons are faced by the same set of facts, it is perfectly possible for them to come to different conclusions, so that a range of lawful decisions may lie within the discretion of the decision-maker. At the same time, the Courts have defined a category of decisions which lie outside that range of discretion ('**perverse'** decisions):

- "a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it";
- "beyond the range of responses open to a reasonable decision-maker".

The Wednesbury Principles

- play an integral part in the decision making process.

The following is taken from the Treasury Solicitor's Department publication "*The Judge over your shoulder*" (recommended reading):

There are three "logical principles" to be followed in making a decision, they are called the "Wednesbury principles", after the licensing case in which they were formulated [Taken from 'The judge over your shoulder', TSOL]:

1. *to take into account all relevant considerations*
2. *not to take into account an irrelevant consideration*
3. *not to take a decision which is so unreasonable that no reasonable person properly directing himself could have taken it*

Even if the decision-maker has followed the first and second principles, he may still have come to a decision which is so wildly unreasonable or perverse that it cannot have been within his discretion to make it, and it was therefore unlawful. He may have had before him all the relevant information and none that was irrelevant, but he may nonetheless have attached wholly disproportionate weight to a particular factor or made some other logical blunder, which turned his whole reasoning process awry."

Police need to show that they have considered the widest range of material to ensure that appropriate weight has been given to the relevant interests and considerations set out in MP7.

These Wednesbury principles are part-and-parcel of the QAF process.

The Disclosure text

In April 2012, police Disclosure Units began using a standard template for disclosure text which saw the inclusion of the reasons behind the decision to disclose. The need for such a template was identified in the report "A Common Sense Approach", following an independent review of the Criminal Records Regime undertaken by Sunita Mason:

Recommendation 6C – "*I recommend the development and use of a common template to ensure that a consistent level of information is disclosed to the individual with clearly set out reasons for that decision."*

Since April 2012, police have had to include the reasons why they believe information is relevant and the reasons why they concluded that it ought to be disclosed. This will help employers to make a more informed risk assessment and recruitment decision. However, and just as important, it will help explain to the applicant why information is being disclosed. And, as it will provide insight into the police decision-making itself, it will provide greater transparency and give applicants a better chance to successfully challenge a disclosure that ought not have been made.

It is worth re-emphasising here that, in many cases where convictions held on central records are being disclosed, police will not make an '*any information'* disclosure as well (either because the information they have is not relevant or because the conviction is old and no further details are known). In such cases, you will not see a '6c-type' disclosure, only the basic details of the conviction.

Challenging a disclosure

Legislation (The Act) provides applicants with the ability to challenge their disclosure – this is known as a 'Dispute'.

When an applicant raises a Dispute, the case is returned to the force in question, together with details of the reason for challenge, provided by the applicant. The case is considered by someone who was not involved in processing the application originally and they may or may not agree to some or all of the points raised by the applicant.

In addition, the Protection of Freedoms Act 2012 made provision for a new independent process know as 'Review', with oversight by an appointed Independent Monitor for Disclosure, giving applicants further opportunity to challenge a disclosure. QAF will support this independent review as the Independent Monitor will assess whether or not police applied QAF correctly when processing an application. Where necessary, the Independent Monitor may also advise of changes that should be made to QAF to keep it as effective as possible, thus ensuring that QAF continues to meet the requirements of legislation and case law.

If you are in receipt of a disclosure that you know to be inaccurate or believe should not have been made – either at all or in part - please do not panic or worry: remember that there are mechanisms in place to put things right. Details of the Dispute process can be found on the DBS pages of the Home Office website or can be obtained by contacting the DBS.

Subscribers to the DBS Update Service may also challenge a change to the status of one or more of their existing certificates. A subscriber's status can be changed by new information being added to their existing PNC record; having a PNCID created for the first time; by their inclusion on a DBS Barred List or by police concluding that new non-conviction information has come to notice and ought to be disclosed on their next certificate. Such a challenge is made prior to the subscriber applying for a new certificate as the result of the subsequent review of the status change, it may be determined that the change should not have been made and that their existing certificate remains up to date.

Filtering of 'old & minor' convictions, cautions, warnings and reprimands

Changes to the law in May 2013 saw the end to the 'blanket' disclosure of all convictions, cautions, warnings and reprimands ('blanket' meaning that there was no opportunity for discretion – there was, legally, no option but to disclose).

From May 29th 2013, Home Office filtering rules have been in operation which, in applicable cases, will see certain old & minor offences no longer disclosed on the face of a certificate.

Although the filtering rules are in place, the law still allows police to over-ride them if they believe that the filtered record should be disclosed – they must, however, test this belief by processing such information through QAF.

A simplified version of the rule-set:

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

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. The specified list of offences accompanies this guide.

Rule 2

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

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

Where an individual has only one conviction offence and that offence is not included on the specified list (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

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 conviction.

- 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

A list of the offences which will never be filtered-out (removed) and so will always appear on the face of a disclosure certificate, as well as further details of the filtering rules, is available on the GOV.UK website.