



Disclosure &  
Barring Service

## DBS News

June 2013

## Content

[Update Service – ready to go](#)

[Update Service: the results are in!](#)

[Section x61 on the Application form](#)

[Applicant only certificates](#)

[Filtering: what you need to know](#)

[Important information for employers](#)

[DBS Application form](#)

[Contact](#)



Hello and a big welcome to June's edition of DBS News.

As you know from my email to you on 23 May, this month brought the news that I know you had all waited to hear – that we are introducing the Update Service on 17 June and it will cost £13 (free for volunteers). We are delighted with our new service, and I am sure that you will be too.

It did take us longer than we hoped to get this information out to you because the Appeal Court judgment on the filtering of old and minor convictions came without notice. Because it was a legal matter, the Home Office asked us to make sure the delivery of the filtering solution took priority over everything else. The ruling also affected the work needed to deliver the Update Service and the applicant-only certificate which we have always planned to implement at the same time. I want to thank you for bearing with us on this whilst we dealt with circumstances beyond our control.

Now the Update Service is here, we want to help you understand how it works and take advantage of the many benefits of using it. So have a good read of this edition to get up to speed on all things Update.

It's certainly a busy time for us, as on 29 May we also told you that we were introducing the new system to allow for the filtering of old and minor convictions, cautions, reprimands and warnings from DBS Certificates.

We have already been receiving lots of enquiries about what can and can't be removed from certificates so to give you a helping hand in understanding this, please read our 'Filtering: what you need to know' article which will give you the lowdown on what the new rules are and any of the exceptions to the rules.

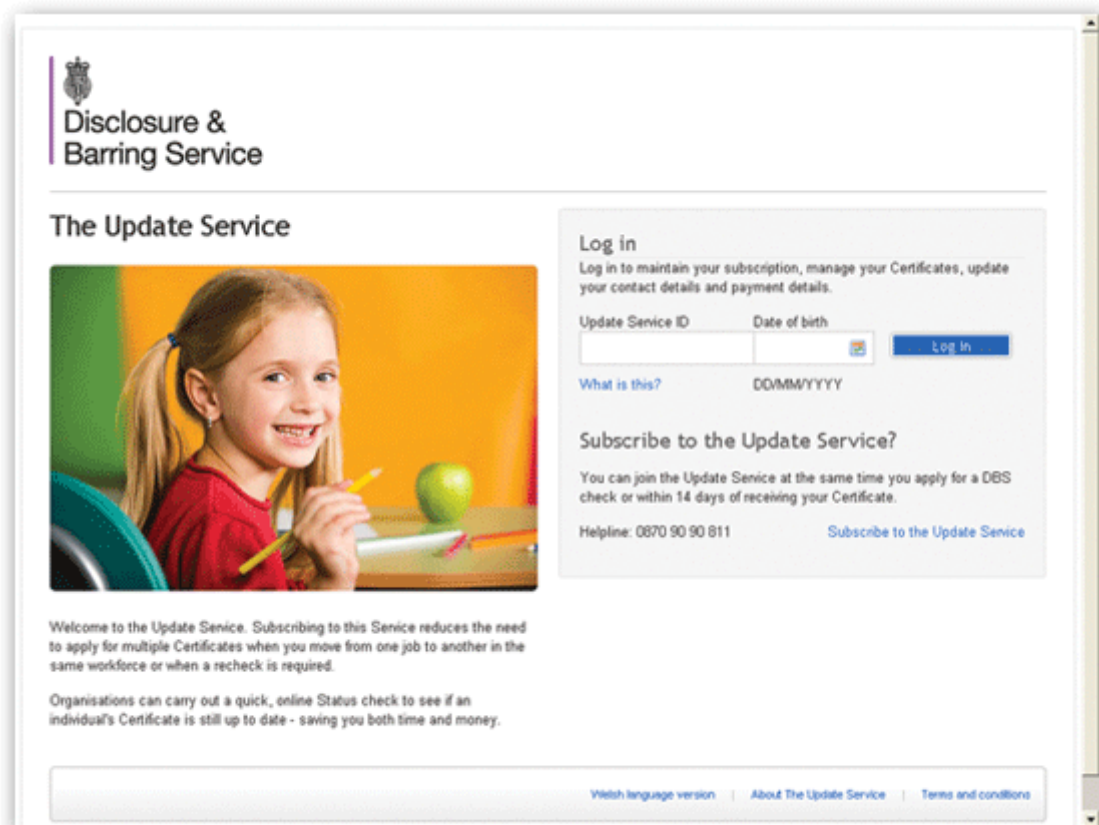
I hope you find this edition covers everything you need to know about our two big changes, but if you need anything from us please tell us at [customerservices@dbsgsi.gov.uk](mailto:customerservices@dbsgsi.gov.uk)

With my best wishes

**Adrienne Kelbie**  
Chief Executive

## Update Service – ready to go

The new online Update Service is to be introduced on 17 June. From this date, any applicant who applies for their next criminal record check can choose to join to the new service for £13 per year. There's no charge for volunteers.



The new service aims to save you – and applicants - time and money and improve the overall safeguarding landscape; which are all big positives.

Being online also brings you added convenience and flexibility and helps us keep our costs down – which has to be good news for you too! So it's a win-win for all of us.

It will dramatically change the way everyone accesses our services – from the way individuals use their DBS Certificate to how employers check on their employee's suitability to carry out their role. We know that you will really like the service; after all it's what many of you have been asking for, for quite some time.

### How do I sign up? – applicant information

Joining the Update Service couldn't be easier. For applicants, after 17 June, when they apply for their next criminal record check, they will simply access the Update Service via our [website](#) and enter the following details:

- application form reference number (the 'F' number of the front page of the form)

- surname
- date of birth
- email address
- Gender
- Volunteer Status
- and the optional field of mobile phone.

They will then pay the subscription fee, if they are not a volunteer. It really is as simple as that! And if they forget to join when they applied for their criminal record check, they can still subscribe using their DBS Certificate number, as long as they do so within 14 days after their certificate is issued.

Subscribers will receive a unique ID number, which they must keep safe and not share with anyone, as they will use this to access their Update Service account online. Subscription starts from the date their certificate is issued (or their joining date, if this was later) and lasts for 12 months.

Individuals can add more DBS Certificates if they need to - for example they may require more than one if their original certificate is not of the same type and level of check required by an employer e.g:

**Level:** Enhanced not Standard check.

**Type:** Enhanced with a Children's Barred List check not an Adults' Barred List check; or Enhanced without a Barred List check.

**Workforce:** Child Workforce not Adults Workforce.

They can then give their permission to you (and any other employer) to carry out an online Status check of their DBS Certificate by showing you the certificate and providing the certificate number, their name and date of birth.

Subscribers will be able to see online who has checked the status of each DBS Certificate attached to their subscription.

Using the Update Service will save them time and money and one DBS Certificate is all they may ever need. And being online gives them all the convenience and control of their online shopping and banking. So encourage them to get ahead of the rest and sign up to the service.

### **What do organisations need to know? – Organisation information**

Organisations do not join the Update Service; only applicants can. This is because you can carry out free online Status checks on someone's DBS Certificate; providing you have their permission.

When you make a Status check, you will be asked to confirm that you're legally entitled to make the check and able to comply with our Code of Practice. If you are unsure, please go to our [website](#) for more information and guidance on entitlement.

For information on how to carry out a Status check and the requirements you need to keep to, please see April's edition of DBS News or go to the [employer guide](#) on our website. Further information on how to carry out multiple status checks can also be found

here.

We will **not** notify you if an individual's status changes, but you'll be able to simply carry out Status checks any time you want (with the individual's consent) if you want to make sure someone's DBS Certificate is still up-to-date.

If an individual's Status check reveals a change to their certificate, you need to have a talk with them about the reasons why and ask them to apply for a new criminal records check.

### **e-Bulk Registered Bodies**

Status checks can't be carried out through the e-Bulk service. If you are an e-Bulk Registered Body, the e-Bulk result will change slightly once we have introduced applicant-only certificates on 17 June. You will still be notified if the DBS Certificate is blank, but as certificates will no longer be issued to Registered Bodies, we will change the wording relating to this.

You can submit the individual's application for a criminal records check via the e-Bulk application service; however, as online applications don't contain the relevant reference number, the individual can only join the Update Service using their DBS Certificate number and they must do so within 14 days from the date of issue of their Certificate.

### **Need more information?**

If you need a further hand to understand the Update Service and its associated changes, we're here to help you with what you need to know.

We have set up a dedicated Update Service page [here](#) on our website where you can get the guidance you need that's relevant to you – at two clicks of a mouse.

The page contains general information on the service and more detailed guidance for applicants and employers. It also contains a link to the [latest news](#) on the Update Service where you can find the following:

- [applicants guidance](#)
- [applicants preview](#)
- [employers guidance](#)
- [employers preview](#)
- [employers presentation](#)
- [stakeholder presentation](#)

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## **Update Service: the results are in!**

In March and April this year, before we were in a position to tell you more about the new Update Service, we carried out some market research on the subject. This quick study was really important as it sought the reactions and opinions of over 1000 Registered Bodies and applicants about the service and we found out what you did (and didn't) know.

Our thanks to those of you who were able to take a little time out of your busy working day to take part. It really helped us understand how well we've explained the Update

Service to you and how likely you are to use it.

### **Who knows what?**

When we carried out the research, not much was known about the Update Service. We were pleasantly surprised to find over half of the Registered Bodies we contacted were aware of what it was all about. The highest levels of awareness came from the public sector and those of you who carry out frequent criminal records checks. With very limited publicity at the time, this was quite surprising and testament to how well news spreads between Registered Bodies and other representative groups.

In contrast though, only 1 in 10 applicants had heard anything about the service; those that had, had heard about it through their employer, their colleagues or their organisation. To be honest, we expected this. It really helped us to understand the communications work we need to deliver to applicants. We know that as soon as they hear about the benefits of the Update Service, they will be keen to join. You can help us – and yourselves - by encouraging any new, and/or existing employee to join the service and letting them know why it's good for them to join.

What was clear from the research is that those Registered Bodies and applicants already in the know about the Update Service recognise the benefits that it will bring.

We were really pleased to find out that over 80% of Registered Bodies and over half of applicants say they are likely to use it. The main reasons you gave us were that the Update Service would save money and time, make the process easier and reduce the need for multiple applications.

### **How you can make the Update Service work for you**

We know that some of you are concerned that, due to the change in law, you will no longer receive a copy of the applicant's certificate. Many of you will be wondering how you will accommodate this change, along with Status Checks, (available to employers on those who are subscribed to the Update Service) into your current recruitment process.

All change brings some uncertainty. However, our research has shown that these changes will be easily overcome – almost 70% of Registered Bodies thought that this could be done and agreed that the Update Service would speed up recruitment. This is a really positive figure and gives us extra confidence in bringing in such a big change to our process.

Remember, you can carry out free and instant checks as often as you need or wish to (with the individual's consent); which could help improve safeguarding considerably.

### **What you can do now**

- Encourage your employees and prospective employees to join the Update Service at [www.gov.uk/dbs](http://www.gov.uk/dbs)
- Tell your colleagues and clients about the Update Service and direct them to the [employer presentation](#), available on our website.
- Raise awareness amongst your colleagues and clients about the other changes coming in at the same time as the Update Service:
  - changes to how you complete the Position Applied For field (x61): see *'Section x61 on the Application form'* article.

- a change in law that means the Registered Body will no longer automatically receive a copy of the DBS Certificate - see '*Applicant only certificates*' article.
  - Tell us how you would like to find out about future announcements at [customerservices@dbs.gsi.gov.uk](mailto:customerservices@dbs.gsi.gov.uk)
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## Section x61 on the Application form

We told you in April's edition of DBS News that when the Update Service launched, we would make a couple of other important changes to our disclosure process. The first of these is that the Position Applied For field (x61) on the application form will need to be completed differently, and you need to start doing this right now. And you listened to us. Over half of all the applications forms we received last week had the new workforce information in this field. Thank you for reacting quickly and being so proactive. Making this change is really important and means that you are ready for 17 June and the launch of the Update Service.

Unfortunately if you don't complete this field correctly, with details of both the relevant workforce **and** the position applied for, it could delay the application as we may need to contact you for further information. It may also prevent the applicant from using their DBS Certificate for future employment or volunteering purposes if they subscribe to the Update Service.

We need you to do this as the police are using a new relevancy test when considering whether to release non-conviction information about an individual. This test will apply to the workforce that the criminal record check is related to, rather than a single position or role.

This change is good news for everyone as it means that individuals who choose to join the Update Service will be able to take their DBS Certificates from role to role within the same workforce. It also means that when you carry out a Status check, you will know the information released is relevant to the workforce included on the certificate. **Please note** – this applies to applications received by DBS **after** 17 June.

Please complete the field correctly as follows:

- **X61 Line 1:** Write in one of the following form of words to indicate the relevant workforce(s)
  - **Child Workforce** Use this for any position that involves working/volunteering with children.
  - **Adult Workforce** Use this for any position that involves working/volunteering with adults.
  - **Child and Adult Workforce** Use this for any position that involves working/volunteering with children and adults.
  - **Other Workforce** Use this for any position that does not involve working/volunteering with children or adults e.g. security guard.
- **X61 Line 2:** Enter a description of the 'Position Applied For' up to 30 characters.



51 position applied for

CHILD WORKFORCE  
TEACHER IN PRIMARY SCHOOL

Please make sure that everyone in your company who helps to fill in application forms is aware of this important change.

Guidance on this change is available [here](#) in the Update Service employer guide.

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## Applicant only certificates

From 17 June, the same time as we launch the Update Service, we will no longer automatically issue a copy of the applicant's DBS Certificate to the Registered Body. This is a decision we have had to implement due to a change in law. This change - part of the government's aim to put the individual in greater control of their own data - means we will only send DBS Certificates to the individual on whom the check was carried out. Employers will need to ask the applicant to see their DBS Certificate. Registered Bodies will be able to ask us for a copy of the applicant's DBS Certificate; if **all** of the following conditions apply:

- The individual is subscribed to the Update Service; **and**
- The employer has carried out a Status check which revealed a change to the DBS Certificate; **and as a result:**
  - The individual has applied for a new criminal record check; **and**
  - The DBS issued the new DBS Certificate to the applicant more than 28 days ago; **and**
  - The applicant has not shown the employer their new DBS Certificate.

If the individual raises a dispute on their new DBS Certificate, and the dispute result is 'not upheld', the Registered Body must wait until 28 days after the dispute resolution date before requesting a reprint. We do this to give the applicant time to show the DBS Certificate to the Registered Body/employer.

Guidance on this change is available [here](#) in the Update Service employer guide.

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## Filtering: what you need to know

From **29 May 2013**, we began filtering old and minor convictions and cautions, reprimands and warnings from DBS Certificates. We are doing this because the Court of Appeal handed down a judgment that the release of a person's full criminal record information infringed Article 8 of the European Convention on Human Rights. Home Office Ministers were already considering such a policy change. The recent Court of Appeal judgment caused them to speed up this work.

The filtering rules (which will remove certain old and minor convictions and cautions, reprimands and warnings from a DBS Certificate) were developed by the Home Office

and the Ministry of Justice and introduced with new legislation:

The legislation is:

- Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013 – and can be found [here](#)
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 – and can be found [here](#)

The filtering rules apply to all DBS Certificates issued from **29 May 2013**.

### **The Filtering Rules.**

The Filtering Rules can be found [here](#) on our website and listed below.

#### **For those 18 or over at the time of the offence:**

An adult **conviction** will be removed from a DBS Certificate if,

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the range of offences which will never be removed from a certificate, which include serious sexual and violent offences. (see *Exceptions to the Rules*). If a person has more than one offence, then details of all their convictions will always be included.

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 offences relevant to safeguarding.

#### **For those under 18 at the time of the offence:**

For convictions, the same rules apply as for adult convictions, except that the elapsed time period is five and a half years.

For cautions, the same rules apply as for adult cautions, except that the elapsed time period is two years.

### **Exceptions to the Rules**

Some offences will never be removed from a DBS Certificate. These include the most serious sexual and violent offences. You can view this specified list of offences [here](#): It is important for you to note that applicants cannot dispute a DBS Certificate issued before 29 May 2013 on the basis of filtering alone; however, they **can** on DBS Certificates produced after this date if they think that a conviction or caution should have been filtered in line with the filtering rules.

We will not be reissuing all previously issued DBS (and CRB) Certificates with the new filtering rules applied as these were issued under the legislative provisions in place at the date of issue.

Safeguarding referrals and barring decisions remain unaffected by the introduction of



these filtering rules.

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## Important information for employers

Employers will **not** be able to take certain old and minor cautions and convictions into account when making decisions about any individual (see *'The Filtering Rules'* section above).

Job application forms will need to reflect the filtering changes so that:

- a) *employers* ask the right questions.
- b) *employees* give the right (legally accurate) answer. Employers are encouraged to include the paragraph below in their standard application forms:

*'The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.'*

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## DBS Application form: a couple of important things to note

### Completing question e55

To support the correct application of the new filtering legislation, question e55 on the application form will in time, require amendment. In the meantime, we ask that you implement this important change with your applicants by following the guidance below:

Currently, question e55 asks the applicant:

*'have you ever been convicted of a criminal offence or received a caution, reprimand or warning?'*

Applicants should now **ignore** this question and **instead** treat this question as if they were being asked:

*'do you have any unspent convictions, cautions, reprimands or warnings?'*

It is extremely important that you make applicants aware of this change to ensure the law is followed correctly.

### Fair Processing Notice:

On the front page of the application form, we include a fair processing notice. This states that the details you and the applicant fill in on the application form are referred to the police and other government bodies, to help identify possible matches to records held against them.

There is now an update to this notice which is that DBS may now also use the information provided on the certificate, or any other information we are made aware of, to inform consideration of our barring decisions. We are able to do this as legislation contained in the Safeguarding Vulnerable Groups Act 2006, gives us powers to do so.

We will advise you of when we will be updating the application form with these changes as soon as we are able.

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## Contacts

**Address:**

PO Box 110  
Liverpool L69 3EF

**For Disclosure issues and information, please phone:**

Customer Services 0870 90 90 811  
Minicom line 0870 90 90 344  
Llinell Gymraeg 0870 90 90 223

**For Barring issues and information, please phone:**

01325 953 795.

As a newly merged organisation, we have two different telephone systems so we're really sorry that we can't transfer your call between our offices.

**Email:**

[customerservices@dbs.gsi.gov.uk](mailto:customerservices@dbs.gsi.gov.uk)

**Websites:**

[www.gov.uk/dbs](http://www.gov.uk/dbs)

Use our online tracking service to check the progress of DBS applications by visiting [www.homeoffice.gov.uk/dbs-online-tracking](http://www.homeoffice.gov.uk/dbs-online-tracking)