



# Disclosure & Barring Service

## A GUIDE TO ELIGIBILITY FOR STANDARD CERTIFICATES FOR REGISTERED BODIES AND EMPLOYERS

This will help you work out whether you can legally request a standard DBS check for potential or existing staff.

It is important to make sure that the law allows a DBS application to be submitted. As an employer or regulator, and as a registered body, you have a legal responsibility to make sure you can submit applications. You also have a duty to know what parts of legislation support each application in case we need you to explain why eligibility exists. An individual cannot request a standard or enhanced DBS check for themselves and so as a registered body you must not submit applications from individuals where there is no employer to make the suitability decision.

**Disclaimer: This is not legal advice. If you need help with making sure you are complying with the law, you should speak to a legal advisor.**

Decisions on when and if to request a DBS check are for the employer or regulator to make based on what the law allows. This means considering the activities being carried out by the post-holder and if they are eligible for DBS checks. DBS provides an electronic [eligibility tool](#) which can help you with this.

It's important that you understand your legal responsibilities before you ask anyone to apply for or provide you with a standard or an enhanced DBS certificate.

The tables below list positions, professions, employments, activities, and licences that are eligible to be submitted for standard DBS checks. These have been taken from the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, as amended.

You can use the tables to find the entry that relates to the position or role you are recruiting or carrying out a recheck for. The hyperlinks under each entry will take you to the legislative wording.

If your position or role is not included here you can use the [DBS workforce guides](#) to find out if eligibility exists for an enhanced DBS certificate, including whether barred list checks are available. Some roles and types of work that are included in these tables may also be eligible for a higher check. We have indicated in the relevant sections if this is the case.

If your position or role is not covered by this guidance or the DBS workforce guides, you can still ask that a [basic DBS check](#) is provided by anyone wanting to be considered to work in the role.

Remember: Paper applications for standard DBS checks must also contain the relevant workforce on the application form.

## STANDARD DBS certificate

Paper applications for standard DBS certificates **must** contain a workforce

**Positions in the financial sector that are regulated by the Financial Conduct Authority, the Prudential Regulatory Authority or the Bank of England, or organisations acting on their behalf. These are commonly referred to as being an approved person, a senior manager or carrying out a controlled function**

- [Legislative Wording 1](#)

**Director-level individuals of organisations bidding for public contracts, when requested by the contracting organisation**

- [Legislative Wording 2](#)

**Football stewards**

- [Legislative Wording 3](#)

**Applying for membership of the Master Locksmiths Association**

- [Legislative Wording 4](#)

**Holding a restricted interest in a licensed body under Schedule 13 of the Legal Services Act 2007**

- [Legislative Wording 5](#)

**On entry to the profession of barrister in England and Wales only, or solicitor**

- [Legislative Wording 6](#)

**On entry to the profession of chartered accountant or certified accountant**

- [Legislative Wording 7](#)

**On entry to the profession of veterinary surgeon**

- [Legislative Wording 8](#)

**On entry to the profession of actuary**

- [Legislative Wording 9](#)

**On entry to the profession of registered foreign lawyer**

- [Legislative Wording 10](#)

**On entry to the profession of Chartered Institute of Legal Executive (CILEx) legal executive or other CILEx authorised person**

- [Legislative Wording 11](#)

#### **On entry to the profession of Chartered Management Accountant**

- [Legislative Wording 12](#)

#### **On entry to the profession of Notary Public**

- [Legislative Wording 13](#)

#### **Justices' clerks, assistants to justices' clerks and certain specific officers for magistrates' courts, justices of the peace and local justice areas**

- [Legislative Wording 14](#)

#### **Individuals in any role to do with the running of, or working on the premises of a prison, a remand centre, a removal centre, a short-term holding facility, a detention centre, a Borstal institution or a young offenders institution and members of boards of visitors**

Some roles in these places can be eligible for an enhanced DBS check. Please check our [online eligibility tool](#) and [workforce guides](#) for more information.

- [Legislative Wording 15](#)

#### **Any work that relates to providing care services to vulnerable adults, as per sec.59 of the Safeguarding Vulnerable Groups Act 2006, where that work means there is also contact with the patients**

Some roles in this category can be eligible for an enhanced DBS check. Please check our online eligibility tool and workforce guides for more information

- [Legislative Wording 16](#)

#### **Any work that relates to providing health services where that work means there is also contact with the patients**

Some roles in this category can be eligible for an enhanced DBS check. Please check our online eligibility tool and workforce guides for more information.

- [Legislative Wording 17](#)

#### **National Health Service (NHS) Counter Fraud Authority roles involving the investigation of fraud, corruption or any other illegal activity and security management**

- [Legislative Wording 18](#)

#### **Any work for an adoption service, an adoption support agency, a voluntary adoption agency, a fostering service, or a fostering agency where that work means that there is also contact with the children or access to sensitive or personal information about them**

This doesn't include prospective foster or adoptive parents or their household members. Please check our online eligibility tool and children's workforce guide for more information.

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 19</a></li> </ul>                                                                                                                                                                                                                  |
| <p><b>Independent Office for Police Conduct (IOPC) Director General and staff who have contact with vulnerable adults or access to personal or sensitive information about children or vulnerable adults</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 20</a></li> </ul> |
| <p><b>Royal Society for the Prevention of Cruelty to Animals (RSPCA) staff who carry out humane killing of animals</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 21</a></li> </ul>                                                                                       |
| <p><b>Traffic officers appointed under section 2 of the Traffic Management Act 2004</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 22</a></li> </ul>                                                                                                                      |
| <p><b>Judges' clerks, secretaries, and legal secretaries</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 23</a></li> </ul>                                                                                                                                                 |
| <p><b>Court officers and court contractors who have face to face contact with judges of the Supreme Court, or access to Supreme Court judges' lodgings as part of their work</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 24</a></li> </ul>                             |
| <p><b>Individuals who have regular access to personal information about an identified or identifiable member of the judiciary as part of their work</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 25</a></li> </ul>                                                      |
| <p><b>Court officers and court contractors who go to either the Royal Courts of Justice or the Central Criminal Court as part of their work</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 26</a></li> </ul>                                                              |
| <p><b>Court security officers and tribunal security officers</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 27</a></li> </ul>                                                                                                                                             |
| <p><b>Court contractors who have unsupervised access to courthouses, offices and other buildings used in relation to the courts as part of their work</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 28</a></li> </ul>                                                    |
| <p><b>Contractors, sub-contractors, and anyone working with them, who have unsupervised access to tribunal buildings, offices and other buildings used in relation to tribunals as part of their work</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Legislative Wording 29</a></li> </ul>    |

**Individuals who are:**

- court officers who carry out county court warrants
  - High Court enforcement officers
  - Sheriffs, under-sheriffs, and tipstaffs
  - under the authority of court officers who carry out county court warrants, High Court enforcement officers, sheriffs and under-sheriffs or tipstaffs to carry out High Court writs or warrants
  - authorised to carry out writs of sequestration
  - civilian enforcement officers as defined in section 125A of the Magistrates' Courts Act 1980
  - authorised to carry out warrants under section 125B(1) of the Magistrates' Courts Act 1980 and section 125(2) of the 1980 Act
  - authorised to carry out clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d)
- [Legislative Wording 30](#)

**Court officers and court contractors who carry out the administration and management of funds in court or receive payment following a conviction or order of a magistrates' court**

- [Legislative Wording 31](#)

**Office of the Public Guardian staff who have access to data relating to children and vulnerable adults**

- [Legislative Wording 32](#)

**Authorised search officers appointed by the Home Secretary**

- [Legislative Wording 33](#)

**Individuals, and their direct supervisors, who care for, train, supervise or are solely in charge of armed forces cadets aged under 18**

- [Legislative Wording 34](#)

**Fire and Rescue Authority employees**

- [Legislative Wording 35](#)

**Justice system intermediaries**

- [Legislative Wording 36](#)

**Individuals involved in the delivery of electronic monitoring and field services by a contractor for the Probation Service**

- [Legislative Wording 37](#)

**Approved legal services body manager**

- [Legislative Wording 38](#)

**Head of legal practice of a licensed body**

- [Legislative Wording 39](#)

**Chartered Institute of Legal Executive (CILEx) approved manager**

- [Legislative Wording 40](#)

**Applying for a Security Industry Authority (SIA) licence**

- [Legislative Wording 41](#)

## Appendix

See below wording from legislation as per guidance above

### ARTICLE 3 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

#### Legislative Wording 1

Positions for which the Financial Conduct Authority, the Prudential Regulatory Authority or the Bank of England, or organisations nominated to act on their behalf, are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000

#### Legislative Wording 2

Any question asked by or on behalf of a contracting authority or utility in relation to a conviction for an offence listed in regulation 57(1) of the Public Contracts Regulations 2015 or regulation 38(8) of the Concession Contracts Regulations 2016 which is a spent conviction (or any circumstances ancillary to such a conviction) for the purpose of determining whether or not a person is excluded:

- i. for the purposes of regulation 57 of the Public Contracts Regulations 2015,
- ii. from participation in a design contest for the purposes of regulation 80 of the Public Contracts Regulations 2015,
- iii. for the purposes of regulation 80 of the Utilities Contracts Regulations 2016,
- iv. from participation in a design contest for the purposes of regulation 96 of the Utilities Contracts Regulations 2016, or
- v. for the purposes of regulation 38 of the Concession Contracts Regulations 2016

#### Legislative Wording 3

Any question asked, by or on behalf of the Football Association, Football League or Football Association Premier League in order to assess the suitability of the person to whom the question relates or of any other person to be approved as able to undertake, in the course of acting as a steward at a sports ground at which football matches are played or as a supervisor or manager of such a person, licensable conduct within the meaning of the Private Security Industry Act 2001 without a licence issued under that Act, in accordance with section 4 of that Act

#### Legislative Wording 4

Any question asked by or on behalf of the Master Locksmiths Association for the purposes of assessing the suitability of any person who has applied to be granted membership of that Association

#### Legislative Wording 5

Any question asked by or on behalf of any body which is a licensing authority within the meaning of section 73(1) of the Legal Services Act 2007 (licensing authorities and relevant licensing authorities) where:

- i. it is asked in order to assess whether, for the purposes of Schedule 13 to that Act (ownership of licensed bodies), the approval requirements are met in relation to a person's holding of a restricted interest in a licensed body; and
- ii. the person to whom the question relates is informed at the time that the question is asked that, by virtue of this Order, spent convictions are to be disclosed.

## **PROFESSIONS – SCHEDULE 1 PART 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

**Applications for these roles can ONLY be submitted by or on behalf of the appropriate professional regulator and can ONLY be submitted at the point of applying to join the profession.**

### **Legislative Wording 6**

Barrister (in England and Wales), solicitor

### **Legislative Wording 7**

Chartered accountant, certified accountant

### **Legislative Wording 8**

Veterinary surgeon

### **Legislative Wording 9**

Actuary

### **Legislative Wording 10**

Registered foreign lawyer

### **Legislative Wording 11**

Chartered Legal Executive or other Chartered Institute of Legal Executive (CILEx) authorised person

### **Legislative Wording 12**

Chartered management accountant

### **Legislative Wording 13**



**OFFICES, EMPLOYMENTS AND WORKS – SCHEDULE 1 PART 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

**Legislative Wording 14**

Designated officers for magistrates' courts, for justices of the peace or for local justice areas, justices' clerks and assistants to justices' clerks

**Legislative Wording 15**

Any employment which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of a prison, a remand centre, a removal centre, a short-term holding facility, a detention centre, a Borstal institution or a young offenders institution and members of boards of visitors (England & Wales)

**Legislative Wording 16**

Any office or employment which is concerned with:

- a) the provision of care services to vulnerable adults; or
- b) the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment;

and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services

**Legislative Wording 17**

Any employment or other work which is concerned with the provision of health services, and which is of such a kind as to enable the holder of that employment, or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties

**Legislative Wording 18**

Any employment or other work in England or Wales concerned with:

- a) the investigation of fraud, corruption or other unlawful activity affecting the national health service, or
- b) security management in the national health service,

where "the national health service" means, in respect of England, the health service continued under section 1(1) of the National Health Service Act 2006 and, in respect of Wales, that continued under section 1(1) of the National Health Service (Wales) Act 2006:

**Legislative Wording 19**

|                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any employment or other work which is carried out for the purposes of an adoption service, an adoption support agency, a voluntary adoption agency, a fostering service, or a fostering agency and which is of such a kind as to enable a person, in the course of his normal duties, to have contact with children or access to sensitive or personal information about children |
| <b>Legislative Wording 20</b><br>The Director General, or any member or member of staff, of the Independent Office for Police Conduct who in the course of his normal duties—<br>(a) has contact with vulnerable adults; or<br>a) (b) has access to sensitive or personal information about children or vulnerable adults.                                                        |
| <b>Legislative Wording 21</b><br>Any employment in the Royal Society for the Prevention of Cruelty to Animals where the person employed or working, as part of his duties, may carry out humane killing of animals                                                                                                                                                                |
| <b>Legislative Wording 22</b><br>An individual designated under section 2 of the Traffic Management Act 2004                                                                                                                                                                                                                                                                      |
| <b>Legislative Wording 23</b><br>Judges' clerks, secretaries, and legal secretaries within the meaning of section 98 of the Supreme Court Act 1981                                                                                                                                                                                                                                |
| <b>Legislative Wording 24</b><br>Court officers and court contractors who, in the course of their work, have face to face contact with judges of the Supreme Court, or access to such judges' lodgings                                                                                                                                                                            |
| <b>Legislative Wording 25</b><br>Persons who in the course of their work have regular access to personal information relating to an identified or identifiable member of the judiciary                                                                                                                                                                                            |
| <b>Legislative Wording 26</b><br>Court officers and court contractors who, in the course of their work, attend either the Royal Courts of Justice or the Central Criminal Court                                                                                                                                                                                                   |
| <b>Legislative Wording 27</b><br>Court security officers and tribunal security officers                                                                                                                                                                                                                                                                                           |
| <b>Legislative Wording 28</b><br>Court contractors who, in the course of their work, have unsupervised access to courthouses, offices and other accommodation used in relation to the courts                                                                                                                                                                                      |

**Legislative Wording 29**

Contractors, sub-contractors, and any person acting under the authority of such a contractor or sub-contractor, who, in the course of their work, have unsupervised access to tribunal buildings, offices and other accommodation used in relation to tribunals

**Legislative Wording 30**

The following persons:

- a) Court officers who execute county court warrants
- b) High Court enforcement officers
- c) Sheriffs and under-sheriffs
- d) Tipstaffs
- e) Any other persons who execute High Court writs or warrants who act under the authority of court officers who execute county court warrants, High Court enforcement officers, sheriffs and under-sheriffs or tipstaffs
- f) Persons who execute writs of sequestration
- g) Civilian enforcement officers as defined in section 125A of the Magistrates' Courts Act 1980
- h) Persons who are authorised to execute warrants under section 125B(1) of the Magistrates' Courts Act 1980, and any other person (other than a constable) who is authorised to execute a warrant under section 125(2) of the 1980 Act
- i) Persons who execute clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d)

**Legislative Wording 31**

Court officers and court contractors who exercise functions in connection with the administration and management of funds in court, including the deposit, payment, delivery and transfer in, into and out of any court of funds in court, and regulating the evidence of such deposit, payment, delivery or transfer, and court officers and court contractors who receive payment in pursuance of a conviction or order of a magistrates court

**Legislative Wording 32**

Staff working within the Public Guardianship Office, (to be known as the Office of the Public Guardian from October 2007), with access to data relating to children and vulnerable adults

**Legislative Wording 33**

Individuals seeking authorisation from the Secretary of State for the Home Department to become authorised search officers

**Legislative Wording 34**

Any employment or other work where the normal duties

- a) involve caring for, training, supervising, or being solely in charge of, persons aged under 18 serving in the naval, military or air forces of the Crown; or
- b) include supervising or managing a person employed or working in a capacity referred to in paragraph (a).

**Legislative Wording 35**

Fire and rescue authority employees

**Legislative Wording 36**

Justice system intermediaries who are commissioned on behalf of His Majesty's Government through an approved scheme or contracted service in force, such as the Ministry of Justice Witness Intermediary Scheme or His Majesty's Courts and Tribunals Service Appointed Intermediary Services.

**Legislative Wording 37**

Any employment which is concerned with the delivery of electronic monitoring and field services by a contractor in accordance with arrangements made by the Secretary of State under section 3 of the Offender Management Act 2007

**REGULATED OCCUPATIONS – SCHEDULE 1 PART 3 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975****Legislative Wording 38**

Approved legal services body manager

**Legislative Wording 39**

Head of legal practice of a licensed body

**Legislative Wording 40**

Chartered Institute of Legal Executive (CILEx) approved manager

**LICENCES, CERTIFICATES AND PERMITS – SCHEDULE 2 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975****Legislative Wording 41**

Licences granted under section 8 of the Private Security Industry Act 2001