

## **DBS UPDATE**

On the 28<sup>th</sup> November 2020 there were changes to DBS. The updated guidance includes some suggested wording to be copied and pasted into recruitment documents to ensure the correct information is collected from a potential new employee, in light of how the DBS system will now filter information requests.

Further details can be found here:

[https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide?\\_cldee=dmlja3kuZGF5QHN1bmhlYWx0aGNhcmUuY28udWs%3d&recipientid=contact-463bbb3b3caee61194120050568779ad-25d9ba7d9f564e279a9dd5d99e5ad21b&esid=771047e9-312f-eb11-a813-000d3a86a8cf](https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide?_cldee=dmlja3kuZGF5QHN1bmhlYWx0aGNhcmUuY28udWs%3d&recipientid=contact-463bbb3b3caee61194120050568779ad-25d9ba7d9f564e279a9dd5d99e5ad21b&esid=771047e9-312f-eb11-a813-000d3a86a8cf)

### **Specific details from the update to draw your attention to are:**

These rules were updated on 28th November 2020 as follows:

- warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- the multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

### **Updating your recruitment application for changes to the filtering rules**

Employers may wish to consider updating their recruitment processes to reflect the changes in the filtering rules.

Job application forms relating to positions that are eligible for a Standard or Enhanced DBS check will need to reflect the filtering rules so that:

- employers ask the right questions, and
- employees give the right (legally accurate) answer

We suggest that you use the following questions as a template for your own recruitment processes:

Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974? (Y/N)?

Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020? (Y/N)?"

You are also encouraged to include the paragraphs below in your standard application forms:

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and

cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.