

# Criminal record checks at work



[www.galop.org.uk](http://www.galop.org.uk)

# Criminal record checks at work

This fact sheet answers some questions about criminal record checks at work. We also have a fact sheet about checks for trans\* people and another on removing old consensual gay sex convictions. If they don't answer your question, call us for confidential advice on 020 7704 204. Galop is London's lesbian, gay, bisexual and trans\* safety charity. Please note, we only give advice on issues affecting lesbian, gay, bisexual or trans\* people. For other issues you can contact the Disclosure and Barring Service on 08709090811.

## How do criminal record checks work?

Most job application forms ask about your criminal record. However, some employers also ask you to do a check with the Disclosure and Barring Service (DBS). That means your employer asks your permission to find out about your previous convictions (being found guilty of a crime in court) and cautions (admitting to the police that you committed a crime and accepting a criminal record to avoid going to court). Your employer will usually wait until you've accepted the job and then give you the DBS check form to fill in with your personal details and photocopies of your ID, which they then post off. You then wait for it to be processed which can take a couple of weeks to a couple of months.

Most employers will let you work while the check is being done but others make you wait until you get the results. You then receive a DBS certificate in the post which will include any information it has been decided to disclose to your employer. It normally only includes the name of the crime and no other description about what happened. You then show it to your employer and they then decide if any crimes disclosed means you could be a risk if you do that job.

## What types of check are there?

There are three different types of DBS check:

1) A basic check which shows your convictions but not cautions. Any employer can ask for this type of check.

2) A standard check will show cautions and convictions. An employer can only ask certain professional groups to do it such as barristers, dentists, nurses and accountants.

3) An enhanced check will show convictions, cautions and any other information the police feel is relevant to disclose. Your employer can only ask for this if you do certain kinds of work such as that with children or vulnerable adults, teaching, or certain types of legal or medical work. If you think you've been asked to do the wrong type of check you should talk to the Disclosure and Barring Service.

## Will my caution be disclosed?

Cautions do not get disclosed by a basic check but recent cautions do appear on all standard or enhanced checks. However, if you were under 18 when you got a caution it will no longer be disclosed by any check after two years. If you were 18 or over it will no longer be disclosed after six years. There are some types of caution that will always be disclosed however long has passed though.

## Will my conviction be disclosed?

Recent convictions get disclosed on all types of DBS check. However, if you were under 18 at the time it will no longer be disclosed once five and a half years have passed if it was your only offence and you didn't get a custodial sentence (such as prison). If you were over 18 the same rule applies but it will be disclosed until 11 years have passed. There



are some types of conviction that will always be disclosed however long has passed though.

## Are the rules the same for all types of crime?

No. There's a list of crimes including certain types of violent and sexual offences that will always be disclosed by a DBS check, even if your caution or conviction is very old. It's too long and varied to reproduce here but you can find it by doing an internet search for 'DBS list of offences that will never be filtered'.

## I have a consensual gay sex conviction

Consensual sexual offences between men for cottaging or cruising will always be disclosed on a DBS check, however long has passed. That can include cautions or convictions for gross indecency, importuning or the more recent section 71 of the 2003 sexual offences act (sex in a public toilet).

If you have a historic conviction for consensual homosexual sex that didn't take place in a public toilet, you can get it removed from your criminal record so that it can never be disclosed. Read our fact sheet called 'disregarding offences' to find out how. If it did involve cottaging, there is no way to remove it because cottaging is still a crime, so it will always be disclosed when you're asked to do a DBS check. That can be embarrassing but it shouldn't stop you from doing any kind of job you want to.

It can be scary for an employer to find out that you have a conviction for a sexual offence, but once they realise that it was a consensual act with another adult they should realise you do not pose a risk. To avoid it harming your chances of getting a job it would be better to only disclose it on the application form if you have to, go through the recruitment process, accept the job and then once you're asked to do a DBS check, explain to your

manager that it will be disclosed.

Most employers will understand that the people around you are not at risk but if you have problems you can call us for help in explaining the situation to them.

If you are unsure about what and when to disclose, please contact Galop.

## The police gave me a fine

If you were given a fine by a police officer without being found guilty of a crime in court (sometimes called a 'fixed penalty notice' or 'on the spot fine'), it will not be disclosed by a DBS check.

## Can other information be disclosed on top of my criminal record?

Yes. If you do an enhanced check, the police in the areas where you have lived and worked will be asked if they have any other information relevant to your job that they feel should be disclosed to your employer.

It's unusual for them to include extra information but it is possible. For instance, many people get arrested every day but the police then realise they are innocent found to be innocent and in the vast majority of cases the police would not include that information on a DBS check. However, if for example you applied for a job at a school and had been arrested for sexual assault because of a credible allegation or were found innocent in court on a technicality, the police could decide to disclose it.

## Can I see my DBS check?

Yes. It gets sent to you so you're the first one to see it. DBS checks have to be done through an employer though so you cannot do one yourself.



However, there is a way of seeing what is on your criminal record if you're unsure what cautions or convictions you have. To do that, search your local police website for something called a 'subject access request' form. Fill it out and post it off with £10 and copies of your ID.

After a couple of months they send you a copy of your criminal record. It's worth remembering that the information you get through this route includes all your convictions and cautions, which might be different to the ones disclosed to an employer by a DBS check.

## Is my conviction spent?

Most job application forms ask about your criminal record. In most jobs you only have to tell a potential employer about 'unspent' convictions. Convictions become 'spent' after a certain amount of time has passed which depends on what punishment you had and whether you were an adult at the time. You can find the current time limits online. Generally they vary between ten and two and a half years for convictions.

Cautions become spent immediately. However, there are some circumstances where you have to disclose all spent or unspent convictions or cautions except those which would not be disclosed by a DBS check.

These include applying for any role working with children, vulnerable adults, teaching, medical work and legal work.

## More information

If this factsheet doesn't answer your question, please contact Galop or the Disclosure and Barring Service using the contact details below.

Galop  
[www.galop.org.uk](http://www.galop.org.uk)  
shoutline: **020 7704 2040**

Disclosure and Barring Service  
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>  
telephone: **08709090811**.

**Always dial 999 if it is an emergency and you think you are in immediate danger.**