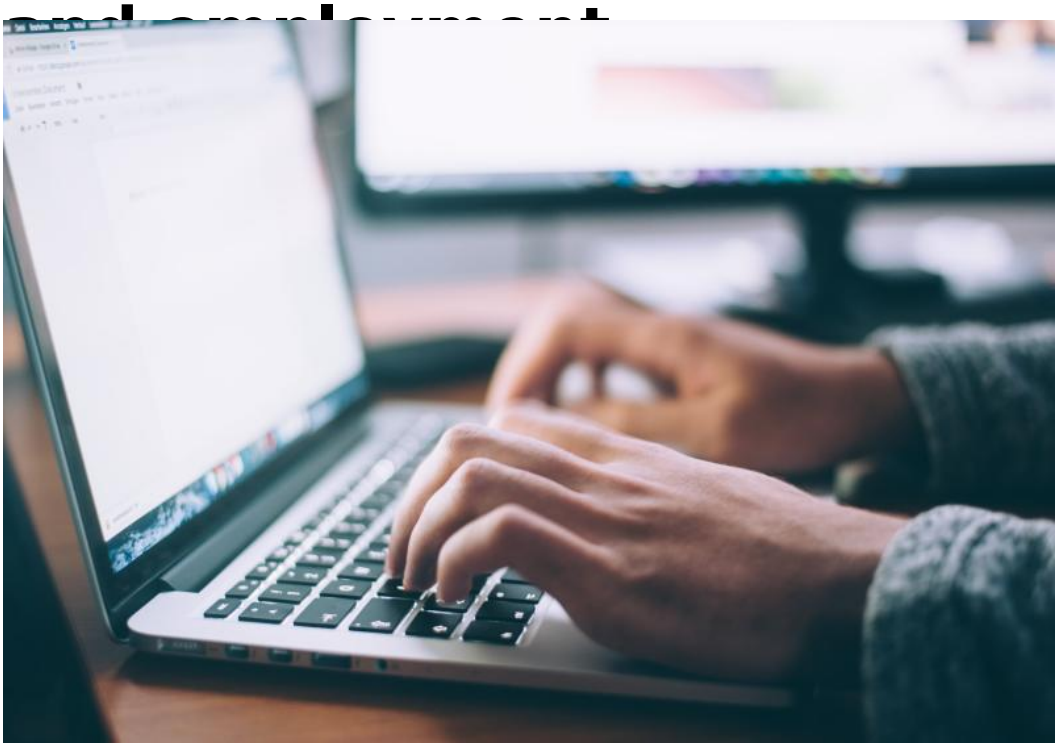
Criminal records checks for people seeking volunteering and employment



In our information sheet ‘An introduction to background checks for job seekers and volunteers’ we explained why organisations

may need to check if you have a criminal record before offering you a job or a volunteer role, and about the Disclosure and Barring Service (DBS) who are responsible for conducting checks in the UK.

This information sheet offers more in-depth information about the checks and about how to apply.

What are the different DBS checks, and what information do they share?

A **basic DBS certificate** will show any record of serious offences or offences that led to a long prison sentence.

A **standard DBS certificate** will show any record of serious offences or any relevant criminal offences. Some past offences will not be disclosed under UK law if the person is seen as being out of their legally defined ‘rehabilitation period’.

An **enhanced DBS certificate** will show the same information as a standard certificate as well as any other recorded information that a chief police officer sees as relevant.

An **enhanced with barred lists DBS certificate** will show the same as the enhanced check and will also show any record of a person on a barred list. A barred list is a list held by the DBS of people that have either caused harm or have the potential to cause harm to vulnerable groups.

The records that are checked are any existing records held about you on the Police National Computer including data shared from Interpol (International), the Association of Chief Police Officers Criminal Records Office (ACRO), and from countries with whom the UK has a data sharing agreement.

If someone has a criminal record for something that would not be considered a crime in the UK, it won't be disclosed on the certificate.

How do I apply for a DBS check?

1. For a basic check, you can apply online to the DBS yourself, or give permission to an organisation to facilitate your application. For all other types of DBS check, the recruiting organisation will send you an application form. The form may be submitted to the recruiting organisation, or to a specialist organisation that is authorised to "administrate" checks.

2. Fill out the form completely, providing information about yourself, where you have lived, and any criminal records you are obliged to disclose. The form asks you to use UK date and name formats and uses some technical terms that you may not be confident with. Mistakes on the form can cause delay, so it can help to have someone you trust to support you with filling in the form.

The form asks you to give addresses for the last five years.

If you had a long period of travelling not associated with claiming asylum, you can write ‘abroad’ and the country and dates. If you have lived overseas, you should enter ‘overseas’ into the first line of your previous address, then enter the country and dates in the provided fields.

If you have had periods of homelessness, or have moved through places or camps in your journey seeking asylum, you do not have to provide addresses for this period. You can write ‘no fixed abode’ ‘abroad’, or ‘no fixed abode – UK’, and the dates when this was your situation. If you have experienced modern slavery (trafficking) immigration detention or other circumstances which might be difficult to express on the form, it may help to contact the DBS helpline to ask for advice before you submit your form.

Note: If you have been in immigration detention and this was not linked to an alleged or prosecuted crime, this is not a criminal record and you do not need to disclose it.

3. You need to show proof of your identity by supplying original documents from the DBS’ approved list. If you can’t do this, there is an option to say you wish to submit fingerprints instead.

If you state that you are happy to submit fingerprints for the purpose of a check, there will be an administrative process that involves the recruiting organisation telling DBS that you are going to submit fingerprints and then confirming this by post. DBS will liaise with the local police who will then invite you to

have a fingerprint taken (this invitation can be by letter or phone call). This process can take some time.

It is important for you to know that this engagement with the police does not happen because you are under suspicion. It is because trained officers are needed to complete this procedure in a way that protects your identity and records. You are engaging with the police as someone seeking to contribute through working or volunteering, and you should experience a positive contact. If you will find it practically or emotionally difficult to go to a police station to have fingerprints taken, or to meet the appointment date you can say this and ask if any alternative is possible. You can also take a someone with you.

4. Once your form is submitted and your identification verified, the DBS service use the information provided to check police records under strict legal regulation. They look at the information available, apply any legal rules about what should be disclosed, and print a certificate disclosing what is seen as relevant for the role you are applying for. This certificate is posted to you.

Your recruiter will request to see it; you do not have to show the certificate at this point, but they will not be able to recruit you if you do not. If the recruiting manager wants to talk to you about any information on your certificate, it is OK to ask for it to happen in a place and space that is comfortable for you. You may want to seek advice before the meeting, or to ask to bring someone trusted for support, especially if there are any

language or cultural barriers.

5. Consider registering with the DBS Update Service. This will keep your DBS certificate up to date and allow future recruiters to check your certificate. If you apply for a new role that requires a similar level check, the recruiter can check via the update system rather than ask you to go through the whole process again. You can apply as soon as you have your DBS application number, and for up to 30 days after the date that the certificate was issued (this is not available for a basic check).

Help with DBS

You can get help by contacting the DBS enquiries line (customerservices@dbs.gov.uk 03000 200 190) if:

- you have any concerns about what exactly to write on your application
- you don't know if a question is relevant to you
- you have an identity document that is not on the approved list
- you have any other query while applying for a DBS check.

If you are transgender and you do not want to reveal details of your previous identity to a recruiter you can contact the DBS transgender applications team.

Issues and concerns

Issues with international checks

If you cannot meet the recruiter's requirements for a certificate of good conduct from abroad, you could request an exemption. This means the recruiter would look for other information to build their confidence in you. They may undertake a risk assessment, access additional references, change the role, ask you to sign a self-disclosure, or make a sworn oath.

A self-disclosure involves you making a signed written statement that you have no criminal record, or sharing any criminal record you do have that legally needs to be disclosed.

A sworn oath is the same as this, but the statement is witnessed, stamped and authorised by a solicitor or 'Commissioner for Oaths' registered in the EU. Many recruiters are not aware of these possibilities.

If you have problems applying online

If you are applying for a DBS check online and you cannot progress your application because of problem with your address history, or because you can't provide a certificate of good character, seek help. You could raise a concern with the organisation doing the DBS check or seek support from the DBS, your recruiter, a key worker or a lawyer. These problems

sometimes happen as a result of design issues in the way electronic systems are built, or because the system requires you to record the places you have been in a particular way. These problems can usually be fixed.

If you have a criminal record

If you do have a criminal record Unlock is an independent charity providing trusted information and advice services for people with convictions. They can also provide independent and impartial advice and support to employers and HR professionals that are making recruitment decisions based on criminal record information.

This information sheet was written by Migration Yorkshire in December 2022. If you have any questions, please get in touch and we'll do our best to help you:
admin@migrationyorkshire.org.uk or 0113 378 8188

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