

How Basic DBS checks can support organisations in relation to recent legislation



Disclosure &
Barring Service

Making Recruitment and Employment Safer

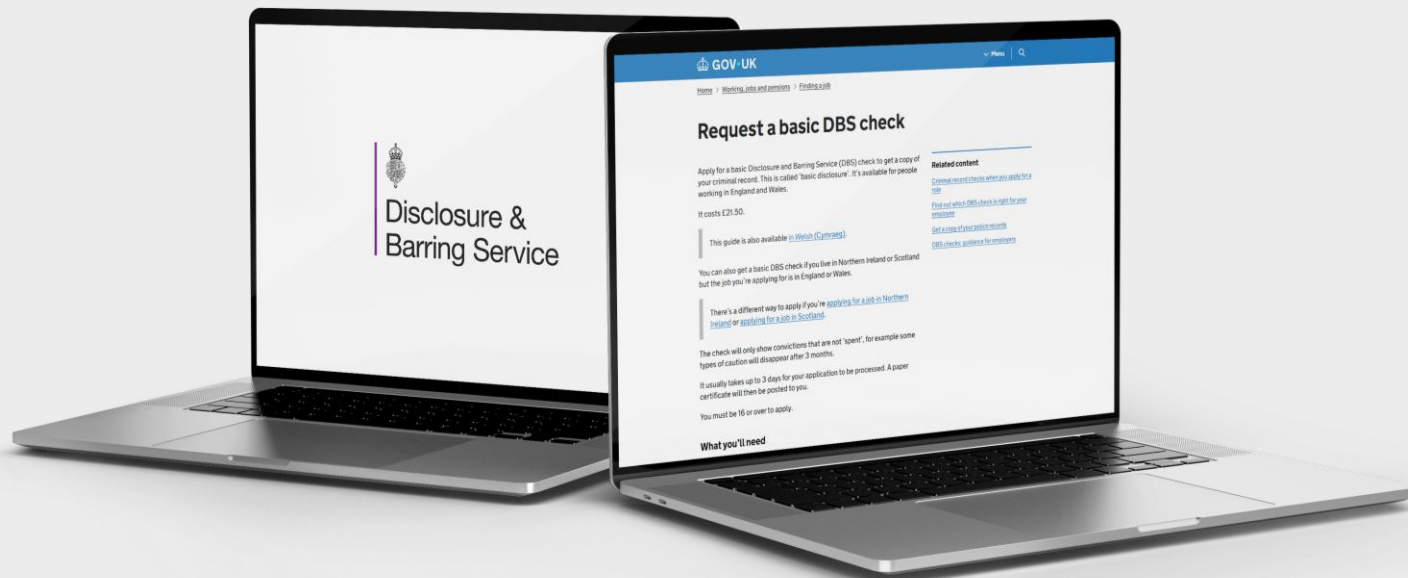


Basic DBS check.

A **Basic DBS check** is a check of any conditional cautions and unspent convictions, under the terms of the Rehabilitation of Offenders Act (ROA) 1974.

There are **no legislative or eligibility requirements to have a Basic DBS check**. A Basic DBS check can be obtained by anyone over the age of 16 living or **looking to live and work in England and Wales**.

An individual **can apply for a Basic DBS check directly to DBS** through our online application route, or an **employer can apply for a Basic DBS check on an individual's behalf**, through a Responsible Organisation (RO), if they have consent.





Why are Basic DBS checks important?

Basic DBS checks from the Disclosure and Barring Service (DBS) are important because they **provide relevant information about an individual's criminal history**. This information can serve as a useful tool in supporting informed safeguarding decisions.

Anyone can apply or be requested to apply for a Basic DBS check. Conducting a Basic DBS check on an individual before hiring them can **help to inform task or commission suitability**, strengthening decisions and protecting those they may come into contact with.

Basic DBS checks **focus on unspent convictions and cautions**. This can include both minor and serious offences, such as theft, fraud, or assault. Commissioners can use this information to **assess an individual's suitability for the task they are being commissioned for**, reducing the risk of hiring someone who has a criminal behaviour that may pose a risk to their organisation.

Basic DBS checks can **contribute to determining an individual's reliability, particularly** when they are handling sensitive information.





What is disclosed on a Basic DBS check?

Convictions are classified as either **spent** or **unspent** under the Rehabilitation of Offenders Act 1974. The rehabilitation period varies in time depending on the **sentence given and any subsequent convictions** that might overlap it. A **Basic DBS check** will disclose any **unspent** convictions.

The rehabilitation period.

This is the **period before a conviction becomes spent**. For more serious offences with longer sentences, the rehabilitation period is longer. **Some convictions never become spent**.

What is a spent conviction?

A **spent conviction** is one for which the rehabilitation period has passed and therefore it should no longer be disclosed.

What is an unspent conviction?

An **unspent conviction** is one that is still **within the rehabilitation period**.

Serious violent, sexual or terrorism offences listed on Schedule 18 of the Sentencing Act 2020, where the prison sentence is more than 4 years or a conviction for the protection of the public **will always be disclosed on a Basic DBS check**.

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STRICTLY PRIVATE AND CONFIDENTIAL

Basic Certificate
Page 1 of 2

Disclosure & Barring Service

DBS fee charged

DBS ID Number:

Certificate Number

Date of Issue: 24 NOVEMBER 2021

Applicant Personal Details

Surname:

Forename(s):

Other Names: NONE DECLARED

Date of Birth: 02 FEBRUARY 1990

Place of Birth: BRISTOL UNITED KINGDOM

Gender: MALE

Police Records of Convictions, Cautions, Reprimands and Warnings

NONE RECORDED

Basic Certificate

This document is a basic certificate within the meaning of section 112 of the Police Act 1997.

This section provides general information in the use and content of this certificate. For further detailed information see our website www.gov.uk/dbs

Use of Certificate Information

The information contained in this certificate is confidential and all employers or other organisations that are given this certificate must keep it secure and protect it from loss or unauthorised access in line with their obligations under the Data Protection Act.

This certificate is issued in accordance with Part V of the Police Act 1997, which creates a number of offences. These offences include forgery or alteration of certificates, obtaining certificates under false pretences, and using a certificate issued to another person as if it was one's own.

This certificate is not evidence of the identity of the bearer, nor does it establish a person's entitlement to work in the UK.

This Certificate is not evidence of identity. You can find out more about the DBS identity checking process at www.gov.uk/dbs

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Serious violent, sexual or terrorism offences **listed on Schedule 18** of the Sentencing Act 2020, where the prison sentence is more than 4 years **will always be disclosed** on a Basic DBS check.

If a sentence has been given for Life Imprisonment or for the **Protection of the Public**. This will be excluded from **rehabilitation** and will **always be shown** on a **Basic DBS check**.

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Basic Certificate
Page 1 of 2

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Applicant Personal Details

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Key benefits of the Basic DBS check.

No ties to eligibility

There is no legislative or role-based eligibility criteria that must be met for a Basic DBS check.

Quick turnaround

Basic DBS checks are processed in 48 hours, in 88% of cases.

Widely accepted

Basic DBS certificates are respected by a wide range of organisations, giving your customers confidence.



Peace of mind

You can demonstrate that you have taken reasonable steps to safeguard your clients.

Protect the vulnerable

Basic DBS checks help provide additional reassurance, empowering better safeguarding decisions.

Simple process

Basic DBS checks can be applied for online, directly to DBS needing only personal details and ID.

Value for money

A Basic DBS check costs just £21.50.





DBS checks and The Employment Rights Act 1996.

The **Employment Rights Act 1996 (ERA)** provides the legal framework for fair, consistent employment decision making.

A **Basic DBS check complements this** by giving you a proportionate vetting snapshot, showing **unspent convictions and conditional cautions only**, rather than a full criminal history. This combination marries well because it pairs the **relevant evidence** we provide on a Basic DBS check with **fair process** from the ERA principles.

At the Disclosure and Barring Service we always stress that any DBS check including **Basic DBS check should be one part of recruitment**, not the whole decision and **Basic DBS checks in particular help businesses avoid overreaching**.

Unless a role **is legally eligible for higher-level checks**, employers should not rely solely on spent convictions, and it can be **unlawful to refuse work because of them in non-exempt roles**. By focusing on unspent matters, **Basic DBS checks support more proportionate screening** while still helping assess suitability for roles **involving trust, money, or security**.

Good vetting must be lawful and fair in how information is handled and we always expect organisations to ask only what they're entitled to, conduct proportionate risk assessment, and **treat applicants fairly**. This is including those with records. Employers must **also manage recruitment data properly**, as criminal conviction data can be sensitive and must be handled in line with data protection expectations.

NACRO recommend that organisations **should find develop a disclosure policy** that encourages the decision, **when recruiting someone with a disclosure, to be made on a case-by-case basis**, assessing risk in relation to the nature of the role.



Employment Rights Act 1996





DBS checks and The Economic Crime & Corporate Transparency Act.

The **Economic Crime and Corporate Transparency Act (ECCTA)** strengthens the framework in which organisations make safe, accountable recruitment decisions.

It enhances identity assurance, improves the integrity of Companies House data, raises corporate liability standards, and **supports more robust prevention of fraud and economic crime.**

A **Basic DBS check fits alongside this by providing a proportionate snapshot of any unspent convictions or conditional cautions.** While ECCTA focuses on tightening organisational controls and reducing opportunities for economic crime, the Basic DBS check gives employers relevant, role **appropriate insight into an individual's recent criminal record.** Used together, they support safer, fairer, and more defensible hiring practices.

Most roles are not eligible for higher level DBS checks and spent convictions must not be requested or relied on in those cases. By focusing only on unspent matters, **a Basic DBS check supports proportionate risk assessment especially for roles involving trust,** money handling, or access to sensitive information while remaining consistent with privacy and equality expectations.

ECCTA's wider transparency and accountability **measures reinforce this need for good governance and responsible handling of vetting information.**





DBS checks and Martyn's Law.

Martyn's Law, officially known as the Terrorism (Protection of Premises) Act is designed to **improve security and preparedness** at public venues to reduce the **risk of terrorism**. Implementation and support for this new law is being led by the **Home Office**.

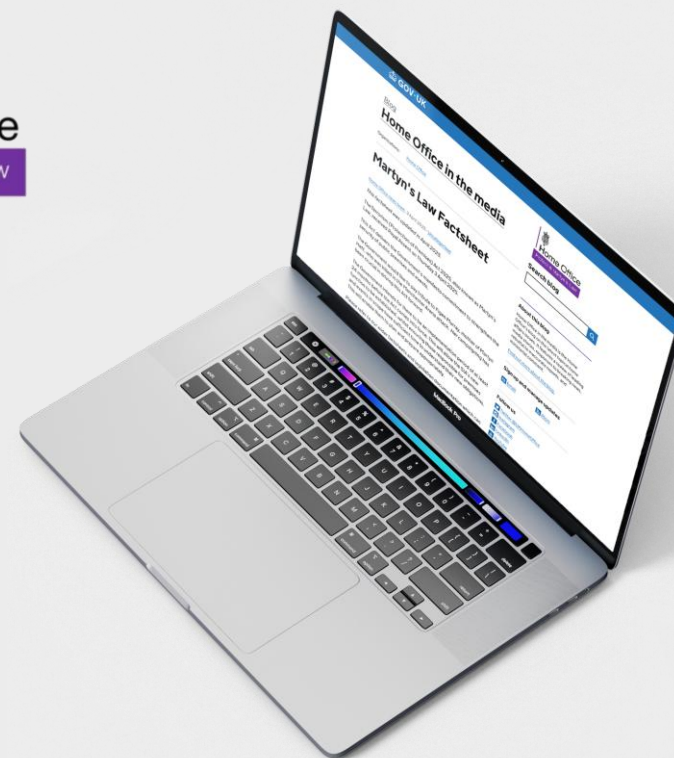
DBS checks including the **Basic DBS check** can assist by strengthening personnel security. Martyn's Law requires organisations to have **robust security plans and trained staff**. By conducting DBS checks, organisations can ensure that individuals in sensitive roles such as steward or crowd management **do not have criminal histories** that could pose insider threats.

DBS checks also support risk assessment. **Compliance under Martyn's Law** involves identifying vulnerabilities, and vetting staff through DBS checks **reduces the risk of employing individuals who might compromise security measures**.

In addition, DBS checks **help demonstrate due diligence**. Organisations must show they have **taken reasonable steps to protect the public**. Including a Basic DBS check in recruitment policies provides **evidence of proactive measures to safeguard against internal risks**.

Compliance is not only a legal obligation but also a **reputational one**. Vetting staff **reassures stakeholders that the workforce is trustworthy, aligning with Martyn's Law's emphasis on public safety**.

Should someone have been convicted of a serious terrorism offence and been sentenced for **more than 4 years in prison**, this will always show on a Basic check.





Why it matters.

Personnel Security and Safeguarding Considerations

Recent legislation has reinforced the importance of effective workforce assurance and organisational risk management. While Basic DBS checks are not a legal requirement for every role, they can support organisations by:

- ▶ Providing information on unspent convictions to help inform recruitment decisions where appropriate.
- ▶ Complementing other recruitment measures such as identity verification, employment references, and right to work checks.
- ▶ Contributing to a broader safeguarding and personnel security framework that helps reduce organisational risk.

Supporting Trust, Reputation and Customer Confidence

Using Basic DBS checks as part of a proportionate recruitment process can help organisations:

- ▶ Contributing to a broader safeguarding and personnel security framework that helps reduce organisational risk.
- ▶ Demonstrate a commitment to responsible employment practices and good governance.
- ▶ Build confidence among customers, clients, regulators, and business partners.
- ▶ Show they are taking reasonable steps to protect their workforce, services, and reputation.
- ▶ Strengthen trust by embedding workforce assurance within a wider culture of accountability and compliance.





Benefits of incorporating Basic DBS checks in your recruitment.



Charity

A charity is recruiting a **community support worker** who regularly interacts with vulnerable members of the

community. Although the role does not require a higher-level DBS check, the charity uses a **Basic DBS check** to provide themselves with another factor to consider alongside references, interviews, employment history and other recruitment checks.

If a candidate has an **unspent conviction**, the charity can discuss the circumstances and consider whether it is relevant to the responsibilities of the role.

A Basic DBS check **strengthens safeguarding and risk management** by providing additional information when assessing candidates. It demonstrates a **commitment to protecting service users, volunteers and staff**, supports a structured and consistent recruitment process, and can build confidence among trustees, funders and the wider community.

A Basic DBS check is only one part of **safer recruitment**. Where a role is eligible for a Standard or Enhanced DBS check, the appropriate level should be used.



Retail

A national retail chain is recruiting a **new store supervisor**. The role involves handling cash, opening and closing the store, supervising staff, dealing with customers, and accessing stock and **sensitive business information**.

As part of its recruitment process, the retailer introduces **Basic DBS checks for relevant roles**. The check helps the employer make a **more informed decision** by identifying any unspent convictions that may be relevant to the role.

A Basic DBS check **provides an additional layer of due diligence**, helping identify potential risks in roles involving cash, property and responsibility. It supports a **consistent and transparent recruitment process**, demonstrates a commitment to responsible recruitment, and can help reduce potential reputational and operational risks.

Employers should consider whether any **disclosed conviction is relevant to the role** and follow applicable employment and data-protection requirements.





Different DBS check levels exist to ensure that the depth of criminal record disclosure is proportional to the role's risk.

A **Basic check** supports general recruitment by showing unspent convictions, while **Standard** and **Enhanced** checks are reserved for roles with higher levels of trust where an employer is legally entitled to see more relevant conviction and caution information, and **Enhanced checks** can also include checks against the **children's and adults' barred lists** where the role involves regulated activity, centred around working with children or vulnerable adults.

This tiered approach **helps employers make safer recruitment decisions** while keeping the **information shared appropriate and proportionate to each role.**





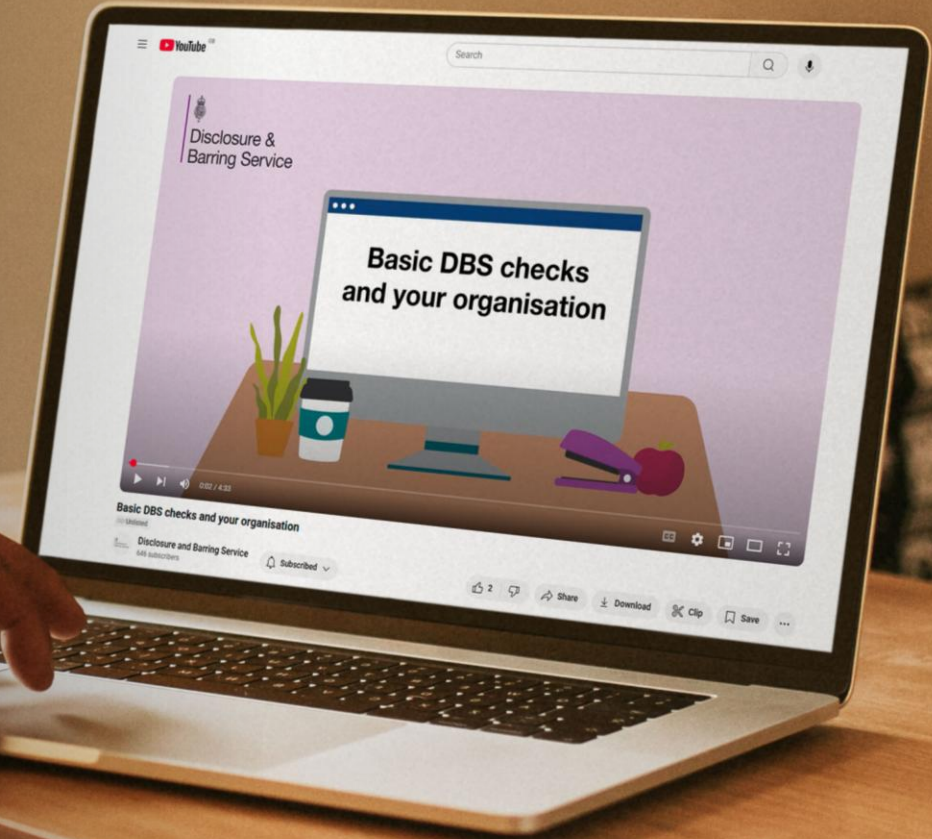
DBS check levels.

	Basic 	Standard	Enhanced	Enhanced with Barred List(s)
Unspent convictions and conditional cautions	✓	✓	✓	✓
Spent convictions and conditional cautions, subject to filtering	✗	✓	✓	✓
Relevant non-conviction information from the police	✗	✗	✓	✓
Children's and/or Adults' Barred List check	✗	✗	✗	✓
Who can apply?	Anyone 16 or over	<u>Eligible roles</u>	<u>Eligible roles</u>	<u>Eligible roles</u>
How do I apply?	<u>Online or through a Responsible Organisation (RO)</u>	Through a Registered Body (RB)	Through a Registered Body (RB)	Through a Registered Body (RB)
Can I link to the Update Service?	✗	✓	✓	✓
What does it cost?	£21.50	£21.50	£49.50	£49.50





Watch our video for more information on Basic DBS checks and the benefits for your organisation.





Useful links.



Basic DBS check

Online application route for Basic DBS checks.



Basic DBS check guidance

Guidance on Basic DBS checks including how to apply, the cost, and what information is disclosed on a Basic DBS certificate.



DBS checks | detailed guidance

A collection of guidance documents and information about DBS checks and processes.



DBS eligibility guidance

A collection of documents that you can use to decide whether a role is eligible for a Basic, Standard, Enhanced or Enhanced with Barred List(s) DBS check.



Rehabilitation periods

A table of rehabilitation periods for the most common sentences and disposals, and example scenarios.



Transgender applications

Guidance and information regarding the sensitive applications route for transgender applicants.



DBS checks | guidance for employers

Guidance for employers about DBS checks, including how to apply, registering with DBS, and the code of practice.



Responsible Organisations

A list of Responsible Organisations (RO) and their responsibilities.



Update Service

A page linking to an online subscription that allows you to keep your Standard, Enhanced, or Enhanced with Barred List(s) DBS certificates up-to-date, and allows employers to check a certificate online.

