



DBS checks and your mental health

This guide explains what a DBS check is, and what you can do if you are unhappy with the information held about you by the police, including information about your mental health. Applies to England and Wales.

Please note:

- This guide aims to provide information about DBS checks for a person with a mental health problem.
- This is not a guide to jobs that require a DBS check.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your specific situation and needs. See [Useful contacts](#) for more information.
- The legal information in this guide does not apply to children unless specifically stated.

If you require this information in Word document format for compatibility with screen readers, please email: publications@mind.org.uk

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Quick facts

- A DBS check is a way for employers to check your criminal record, to help decide whether you are a suitable person to work for them.
- DBS stands for the Disclosure and Barring Service, which is the public agency responsible for processing requests for criminal record checks.
- Depending on what kind of job you are applying for, there are four different types of DBS check: basic DBS check, standard DBS check, enhanced DBS check and enhanced DBS with list check.
- A basic or standard DBS check won't include information about your mental health problem. An enhanced DBS check could include details of any non-conviction information held about you on local police records which the police consider relevant. This may include information about your mental health.
- If you are not happy about the information disclosed in your DBS check, you can ask the Disclosure and Barring Service to carry out a review.
- If your job offer is withdrawn because of a DBS check, you may be able to challenge it on the grounds of disability discrimination.

Terms you need to know

Terms you need to know

Term	Meaning
Basic DBS check	A check of your criminal record which will show your convictions and cautions which are not spent. You can apply for a basic DBS check yourself if you live or work in England or Wales.
Caution	<p>This is a formal warning about future conduct given by a senior police officer, usually in a police station, after a person has committed an offence. It is used as an alternative to a charge and possible prosecution.</p> <p>Some cautions are described as 'conditional'. This means a person must follow certain conditions for a period of time after the caution is issued, to avoid being prosecuted for the offence. A caution with no conditions is described as a 'simple' caution.</p>
Certificate dispute form	This is the form you use if you are unhappy about the content of a DBS Certificate.
Children	A child is a person under the age of 18.
Conviction	This is a finding by a court in Great Britain or overseas that you have committed a criminal act.

	<p>This will include findings of service disciplinary offences in the Court Martial if you are or were a member of the armed forces.</p> <p>It will also include when you have been given a conditional discharge or an absolute discharge for an offence. You will have a conviction for an offence whether you pleaded guilty or were found guilty following a trial.</p>
Criminal record	A record of convictions held on the Police National Computer (PNC) for individuals convicted of crimes.
DBS certificate	The document issued following an application to the DBS for a criminal records check. It will contain the personal information you have provided and the result of the checks undertaken.
DBS check	A check of your criminal record carried out by the Disclosure and Barring Service. This used to be called a 'CRB check'.
Disclosure and Barring Service (DBS)	<p>The public agency responsible for:</p> <ul style="list-style-type: none"> • processing requests for criminal records checks • deciding whether to place or remove people from the children's barred list and adults' barred list for England, Wales and Northern Ireland. <p>The Disclosure and Barring Service replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).</p>
Enhanced DBS check	A check of your criminal record which will show details of all spent and unspent convictions, cautions, reprimands and final warnings held on central police records (apart from protected convictions and cautions) plus additional information held on local police records that is reasonably considered relevant to the job in question.
Enhanced DBS with list check	A check of your criminal record which will show the same as an enhanced DBS check, but will also include a check of the Disclosure and Barring Service's (DBS) children's and adults' barred lists. These are lists of individuals who are barred from working with children or vulnerable adults.
Filtering	Filtering is the process which identifies and removes protected convictions and cautions so they are no longer disclosed on a

	<p>DBS certificate. Convictions and cautions are not 'wiped' from your record, they are simply not disclosed on the DBS certificate.</p>
<p>Final warning</p>	<p>These no longer exist, but were given to young people under the age of 18 if the police decided not to prosecute them and they had already received a reprimand for a previous offence.</p> <p>They were also given for first offences that were too serious for a reprimand.</p>
<p>Independent Monitor</p>	<p>An independent body responsible for reviewing disputes from applicants regarding local police information disclosed on enhanced DBS Certificates.</p>
<p>Local police records</p>	<p>Police records, not held on the Police National Computer, containing non-conviction information.</p>
<p>Mental Health Act 1983</p>	<p>A law that applies to England and Wales which allows people to be detained in hospital (sectioned) if they have a mental illness and need treatment. You can only be kept in hospital if certain conditions are met.</p> <p>See our information on the Mental Health Act.</p>
<p>Place of safety</p>	<p>A locally agreed place where the police may take you to be assessed, usually a police station or a hospital. A police station should normally only be used in an emergency.</p>
<p>Protected convictions and cautions</p>	<p>Convictions and cautions which will be removed from your DBS certificate by filtering. Whether convictions will be protected will depend on the type of offence, when you were convicted or cautioned, and how old you were when convicted or cautioned.</p>
<p>Reprimand</p>	<p>The equivalent of a caution for young people aged under 18. These no longer exist. See also, final warning.</p>
<p>Responsible Organisation</p>	<p>This is an organisation registered with the DBS to submit basic checks through a web service. A responsible organisation is responsible for confirming your identity, that information supplied in the application for a basic check is accurate and that you have given your consent to submit the application. You can apply to a responsible organisation, or a prospective employer can apply to them.</p>

	The gov.uk website provides a list of Responsible Organisations .
Spent convictions or cautions	<p>A conviction or caution that, after a period of time, can be treated as if it never existed and no longer needs to be disclosed in a basic DBS check.</p> <p>Simple cautions become spent immediately at the moment they are issued, while conditional cautions become spent after 3 months.</p> <p>Spent convictions and cautions may still be disclosed in standard or enhanced DBS checks.</p>
Standard DBS check	A check of your criminal record which will show details of all spent and unspent convictions, cautions, reprimands and final warnings held on central police records (apart from protected convictions and cautions).
Subject access request	<p>A written request to an organisation asking for details of the personal information they hold about you.</p> <p>See our information on accessing your personal information.</p>
Unspent convictions or cautions	<p>When a person is convicted of a crime, that conviction is considered to be irrelevant after a set amount of time (the rehabilitation period), except in very limited circumstances.</p> <p>After the rehabilitation period for a conviction has lapsed, the conviction is referred to as spent. This period of time varies according to the sentence received.</p> <p>A conviction is described as unspent if the rehabilitation period associated with it has not yet lapsed.</p> <p>Simple cautions become spent immediately at the moment they are issued, while conditional cautions become spent after 3 months.</p>
Vulnerable adult	A person aged 18 or over, who receives or may need community care services because of a disability, age or illness, and who is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.

What is a DBS check?

A DBS check is a way for employers check your criminal record, to help decide whether you are a suitable person to work for them. This includes deciding whether it is suitable for you to work with children or vulnerable adults.

DBS checks used to be called Criminal Records Bureau (CRB) checks and you may still see or hear them referred to by this name. DBS checks are carried out by the [Disclosure and Barring Service](#).

Depending on what kind of job you are applying for, there are four different types of DBS check:

- [Basic DBS check](#)
- [Standard DBS check](#)
- [Enhanced DBS check](#)
- [Enhanced DBS with list check](#)

Jobs that require DBS checks

What jobs require a DBS check?

There are a number of types of job that require a DBS check, and the different levels of check can be required for different reasons.

For example, if your job involves regular work with [children](#) or [vulnerable adults](#), you will be required to have a [standard](#) or [enhanced DBS check](#), possibly with a children's and adults' barred list check. Your prospective employer will tell you if a DBS check is needed for your job and, if so, what level of check is required.

An organisation cannot decide that standard or enhanced DBS checks are required for every person it employs. The decision about whether these sorts of DBS check are needed has to be based on the nature and responsibilities of each individual role. The employer is legally responsible checking that that the role you are applying for is eligible for these sorts of DBS check.

An employer can decide that a basic DBS check is required for any job, so there are a large number of jobs that may require a basic DBS check.

For some jobs, a standard or enhanced check will always be required – for example:

- teachers
- social workers
- childminders
- foster carers
- medical professionals.

Some jobs in particular settings will also always require a DBS check – for example:

- schools
- children's homes
- hospitals.

There are also jobs that require a DBS check when you enter the profession – for example:

- solicitors
- barristers
- veterinary surgeons
- accountants.

There is [guidance on what jobs require a standard DBS check](#) available on the gov.uk website. This website also has [guidance on what jobs require an enhanced DBS check](#). These documents do not provide a list of specific jobs which may be affected, but the charity Unlock has produced [a list of the level of DBS check likely to be required for various jobs](#).

If you are unsure whether a DBS check will be needed for a particular job, you should [contact the Disclosure and Barring Service](#) or use their [online eligibility checking tool](#).

What if I've been asked to have a DBS check but I disagree?

If you have been asked by a prospective employer to have a standard or enhanced DBS check but you don't think the job requires one, you can ask the Disclosure and Barring Service to investigate. There is [a guide to help you with this investigation process](#) on the gov.uk website (scroll down to the section headed 'For applicants').

When is a DBS check carried out?

A DBS check should only be carried out at the point a job offer has been made to you.

What if I'm a volunteer?

DBS checks are carried out on voluntary roles in the same ways as paid roles – the only difference is that there is no charge for checking someone for a voluntary role. If the voluntary role involves regular unsupervised contact with children or vulnerable adults, a standard or enhanced DBS check will be required.

What if I change jobs?

A DBS check does not expire, but it is only accurate at the date the check is carried out. It is up to your new employer to decide whether to accept a [DBS certificate](#) that you got for a previous job, or ask you to get another DBS check.

What is the process for a DBS check?

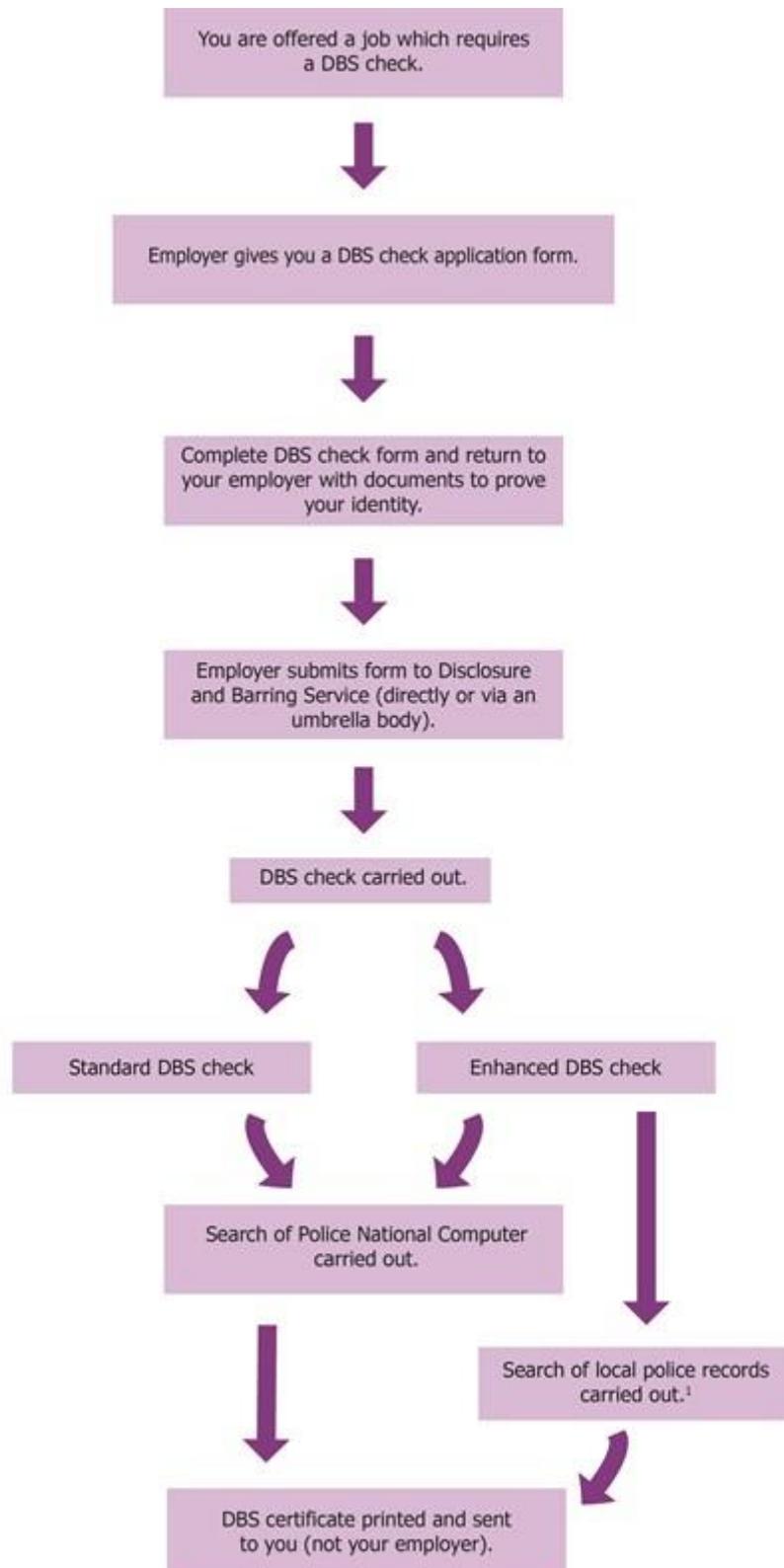
What is the application process for a basic DBS check?

You can apply online for a [basic DBS check](#) by completing an [online application form](#). To complete this form you will need:

- a list of all of your addresses for the last five years and the dates you lived there
- your National Insurance number
- a debit or a credit card
- your passport
- your driving licence.

Or you can apply through a Responsible Organisation. If you give your consent to your employer, they can also apply for a basic DBS check through a Responsible Organisation on your behalf.

What is the application process for a standard or advanced DBS check?



¹ A search of children's and adults' barred lists may also be undertaken if the job involves caring for, supervising or being in sole charge of children or vulnerable adults.

How long does a DBS check take?

This depends on:

- the level of check being carried out
- whether the details provided are correct
- which police forces are involved in the check (some may have backlogs in processing applications)

If you request a basic DBS check, it will usually take around 14 days for you to receive your certificate.

The process for [standard](#) or [enhanced DBS checks](#) typically takes around eight weeks, and will be managed by your prospective employer. It can take longer than this if:

- the details given for the check are incorrect
- several police forces need to be involved in the check.

How much does a DBS check cost?

If you need to have a standard, enhanced or enhanced with list DBS check, your employer will pay for it. Your employer may pay for you to have a basic DBS check, but you can also request and pay for this yourself.

The costs for each check are as follows:

- Basic DBS checks - £25.
- Standard DBS checks - £26.
- Enhanced DBS checks (including or excluding barred list check) - £44.
- DBS checks for most volunteering roles are free of charge.

Can I get any help filling out my application form?

There is [a guide to completing the DBS application form](#) available on the gov.uk website.

What will show up on a DBS check?

What will show up on each type of DBS check?

What kind of check is it?	What will show up?
Basic DBS check	Any convictions or cautions that are unspent .
Standard DBS check	Details of all spent and unspent convictions, cautions, reprimands and final warnings (apart

	from protected convictions and cautions) held on central police records.
Enhanced DBS check	The same as the standard check plus any additional information held on local police records that is reasonably considered relevant to the job in question.
Enhanced DBS with list check	<p>The same as an Enhanced DBS check, but it will also include a check of the Disclosure and Barring Service's children and adults barred lists – a list of individuals who are barred from working with children or vulnerable adults.</p> <p>This level of check will only be needed for jobs which involve caring for, supervising or being in sole charge of children or vulnerable adults.</p>

There is [information which helps you find out whether a conviction is spent](#) on the gov.uk website, and [a similar page on the charity Unlock's website](#).

What is a protected conviction or caution?

[Protected convictions or cautions](#) are convictions or cautions which are [filtered](#) during the DBS check process - this means that they will not appear on the DBS certificate.

It used to be the case that all convictions and cautions would appear on a DBS check, until this practice was successfully challenged in court. Following this court case, the law was changed, and now certain types of conviction or caution will not appear on your DBS check.

There are some offences which will never be filtered from a DBS check (so they will always appear on your DBC certificate). You can find [a list of these offences](#) on the gov.uk website.

The list has over 1,000 offences on it, but some of the more common ones are:

- certain sexual offences
- offences of violence such as ABH, GBH, affray and robbery (but not common assault)
- offences relating to the supply of drugs (but not simple possession)
- safeguarding offences.

If you have been convicted of any of these offences, or cautioned for any any of these offences, they will always appear on your [DBS certificate](#).

For all other offences, whether or not they appear on your DBS certificate will depend on a number of factors.

This information was accurate at the time of publishing (November 2018).

However, the UK Supreme Court ruled in January 2019 that certain aspects of the rules relating to previous convictions appearing on DBS checks are unlawful.

So the law in this area is likely to change - we will update our information once the new law is in place.

When does a caution appear on a DBS certificate?

Some types of caution are included on [the list of offences that will never be filtered](#) – these will always appear on your DBS certificate.

All other cautions will appear on your DBS unless they meet the following conditions, in which case they will be filtered and will not appear on your DBS certificate:

- Cautions received when you were aged under 18, and two years have passed since the date of the caution.
- Cautions received when you were aged 18 or older, and six years have passed since the date of the caution.

When does a conviction appear on a DBS certificate?

The term conviction includes absolute and conditional discharges, and court-imposed bind-overs.

Your conviction will always appear on your DBS certificate if:

- the conviction was for an offence on [the list of offences that will never be filtered](#)
- the conviction resulted in a custodial sentence including a suspended sentence (a hospital order under section 37 of the Mental Health Act 1983 is not a custodial sentence), or
- you have been convicted of more than one offence, in which case all of your convictions will appear on your DBS certificate. This includes when you have been convicted of more than one offence at the same court appearance.

But if all three of the following apply to you:

- You have been convicted of only one offence.
- The offence is not included on the list of offences that will never be filtered.
- You received a non-custodial sentence.

Then there are two types of conviction which will be filtered, and will not appear on your DBS certificate:

- Convictions imposed when you were aged under 18, and five-and-a-half years have passed since the date of the conviction.
- Convictions imposed when you were aged 18 or over, and 11 years have passed since the date of the conviction.

Examples:

- Aaron was 17 when he was cautioned for possession of cannabis in 2003, and 18 when he was convicted of possession of a class A drug and sentenced to a probation order in 2004. His caution is protected because he was under 18 when he received it and at least two years have passed. It will not show up on his DBS certificate. His conviction would be protected from 2015 and would not appear on any DBS certificated applied for after that date.
- Lisette was convicted of four counts of theft in 1995 when she was 17, and was sentenced to 120 hours community service. Lisette has more than one conviction, so her convictions are not protected and will always show up on a DBS certificate.
- Jack was cautioned for theft in 2008 when he was 16, and convicted of robbery in 2009 when he was 17. His caution became protected after two years because he was under 18 when he received it, so it would not show up on a DBS certificate from a check carried out now. However, robbery is on the list of offences that will never be filtered, so Jack's robbery conviction will always show up on a DBS certificate.

Will a DBS check include information about my mental health problem?

A basic or standard DBS check won't include this information, but an enhanced DBS check will include details of any non-conviction information held about you on local police records which the police consider relevant. This is formally known as 'approved information', but is more commonly referred to as 'non-conviction information' or 'police intelligence'.

This could include information which relates to your mental health – for example, if you have ever been removed to a [place of safety](#) by the police under section 136 of the Mental Health Act 1983 (see [our information on sectioning](#) to find out more).

However, although it is possible for the police to include non-conviction information on an enhanced DBS check, it is rare that they do include it. Between October 2017 and September 2018, only 0.1% of DBS certificates included approved information from local police records.

How do the police decide what information to include?

Before including non-conviction information on your DBS certificate, the police must 'reasonably believe' that the information is relevant and that it ought to be disclosed. This means they should consider the following:

- **There should be no presumption** either in favour of or against disclosing the particular information. All information should be assessed on its own merits for inclusion or exclusion from a DBS certificate.
- **Information must be relevant.** Information must only be disclosed if the police reasonably believe it to be relevant to the job you have applied for. It should be serious enough to justify inclusion and should be sufficiently current, taking into account the age of the information, your age at the time of the incident and your

conduct since the incident. The information should also have come from a trustworthy source.

- **The impact it has on you.** The police should consider how disclosing any information may have an impact on you.
- **Opportunity to comment.** The police should consider whether you should be given an opportunity to comment on the information before it is disclosed. However, we understand that the police do not always do this. If you are worried about what the police might disclose, [you can find out what information they have in advance](#). There is [guidance on how you can make representations about information the police may release on a DBS certificate](#) on the gov.uk website.

The Home Office has [issued guidance to the police which help with these decisions](#). This guidance specifically says that “The fact of detention under sections 135(1) or 136 of the Mental Health Act 1983 is unlikely, in itself, to be sufficient to justify disclosure”. It goes on to say that:

- A key consideration is whether your behaviour during the course of the incident presented a particular risk or harm to others, such as by the threat or use of violence.
- They should also take into account how long ago the incident took place.
- If the police believe that mental health related information is relevant to the application for a DBS certificate then you should be given the opportunity to tell them about your current state of health before they decide whether to disclose the information.

The police have to balance any risk posed to the public against your right to privacy.

Example

Leila is 28 years old. When she was 18, she experienced significant mental health problems following a family bereavement. On one occasion, she became very distressed in a shopping centre and was removed by the police to a [place of safety](#) under section 136 of the [Mental Health Act 1983](#).

She spent a few hours in a police cell before being taken to hospital to be assessed under the [Mental Health Act 1983](#). She has been well ever since and has never had any further involvement with the police.

Leila recently applied to work in a children’s home. She has been offered the job and been sent a [DBS check](#) application form. Leila is worried that the [DBS certificate](#) will include details of when she was held in a police cell.

Because her new job will involve regular unsupervised work with children, Leila will need to have an [Enhanced DBS check](#). This will include relevant non-conviction information held on [local police records](#). However, the police will need to decide:

- whether the information about Leila is relevant to the job at the children’s home
- whether the incident is serious enough to justify inclusion.

The incident in this case did not happen because Leila committed a crime, but purely because she was mentally unwell. It happened 10 years ago when Leila was 18, and she

has not had any involvement with the police since that time. Also, the guidance on disclosure says: 'The fact of detention under section 135(1) or 136 of the Mental Health Act 1983 is unlikely, in itself, to be sufficient to justify disclosure.'

In these circumstances, it is unlikely that the police could justify including the information. If they did, Leila could ask the [Disclosure and Barring Service](#) to [review the certificate](#).

Can I find out what information a DBS check would contain in advance?

Yes. You could make a [subject access request](#) to the police to find out what information they hold about you. [See our information on accessing personal information](#) to find out how to do this.

What if the information is wrong or irrelevant?

Your DBS certificate will be sent to you, not your prospective employer. This will give you an opportunity to challenge any of the information in the certificate.

Asking for a review

You can ask the Disclosure and Barring Service to carry out a review of your certificate if:

- **the information in the certificate is wrong** – for example, if it includes information which is inaccurate or about another person
- **you feel that information in the certificate is irrelevant** – for example, information about your mental health that has no relevance to the job you have applied for.

To do this, you need to complete a certificate dispute form. You can find [a link to download the certificate dispute form](#), as well as guidance to help you complete the form, on the gov.uk website.

Make sure you do this **within three months** of the date on the certificate. The Disclosure and Barring Service will then pass the dispute to the relevant police force to reconsider.

If you have any queries you can call the DBS customer services helpline on 03000 200 190.

What could happen afterwards

If you apply for a review of your DBS certificate, a few different things may happen as a result:

- **If the police decide to remove or amend the information** which was disclosed, the Disclosure and Barring Service will send you a replacement certificate.
- **If the police decide not to remove or amend the information** which was disclosed, the dispute will be referred to the [Independent Monitor](#) to investigate.
- **If the Independent Monitor agrees with you**, they will direct the Disclosure and Barring Service to issue a revised DBS certificate with the irrelevant information removed.

- If the Independent Monitor does not agree with you, you may be able to take the police to court, but you would need to [seek advice from a public law solicitor](#) about this.

What if my job offer is withdrawn because of a DBS check?

If your job offer is withdrawn because of the results of a [DBS check](#), you may be able to challenge this on grounds of disability discrimination. But this will depend on the reasons given by the employer for withdrawing the job offer.

You would need to be able to show that the employer has changed their mind **because you have a mental health problem**, and not for any legitimate reason that you may be unsuitable for the job.

If you think you may have been discriminated against in this way, you should get advice from an employment law solicitor.

For more information on disability discrimination by a prospective employer, and how you can complain about this, [see our information on discrimination at work](#).

Useful contacts

Mind's services

- **Helplines** – all our helplines provide information and support by phone and email. Our Blue Light Infoline is just for emergency service staff, volunteers and their families.
 - Mind's Infoline – 0300 123 3393, info@mind
 - Mind's Legal Line – 0300 455 6453, legal@mind
 - Blue Light Infoline – 0300 303 5999, bluelightinfo@mind
- **Local Minds** – there are over 140 local Minds across England and Wales which provide services such as [talking treatments](#), [peer support](#), and [advocacy](#). [Find your local Mind here](#), and contact them directly to see how they can help.
- **Elefriends** is a supportive online community for anyone experiencing a mental health problem. See our [Elefriends page](#) for details.

Who else could help?

Disclosure and Barring Service

DBS helpline: 03000 200 190

Minicom: 03000 200 192

Welsh: 03000 200 191

International: +44151 676 9390

customerservices@dbs.gsi.gov.uk

DBS customer services
PO Box 3961
Royal Wootton Bassett
SN4 4HF

The Disclosure and Barring Service is the public agency responsible for processing requests for criminal record checks. They run a helpline for questions about DBS checks.

Independent Monitor

Independent Monitor
Safeguarding and Public Protection Unit
Home Office
4th Floor Fry Building
2 Marsham Street
London
SW1P 4DF

IndependentMonitor@homeoffice.gsi.gov.uk

The Independent Monitor is an independent body responsible for reviewing disputes from applicants regarding local police information disclosed on enhanced DBS Certificates.

The Law Society

020 7242 1222 (England)
029 2064 5254 (Wales)
lawsociety.org.uk

The Law Society provides details of solicitors you can get in touch with for specialist legal advice.

Unlock

01634 247350 (call Monday to Friday, 10am to 4pm)
07824 113848 (Text or WhatsApp)
unlock.org.uk
advice@unlock.org.uk

Unlock is a charity that supports with convictions who face challenges because of their criminal record. They have online information resources and offer a helpline service.

Where can I get support?

Find an advocate

An advocate is a person who can both listen to you and speak for you in times of need. Having an advocate can be helpful in situations where you are finding it difficult to make your views known, or to make people listen to them and take them into account.

For information on advocacy services and groups in your area, you could start by contacting the [Mind Legal Advice Line](#) and your [local Mind](#).

Read more about [how advocacy might help you](#).

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References are available on request.