

# Which cautions and convictions would be removed from a standard or enhanced DBS?

Brief guide based on plans announced in July 2020

**This guide was first published in July 2020. It has since been replaced to reflect the changes coming in on 28 November 2020. [Read the updated guide here.](#)**

In July 2020 the [government announced](#) planned changes to the rules on what is disclosed on (and removed from) standard or enhanced criminal record checks issued by the Disclosure and Barring Service (DBS) in response to a Supreme Court ruling in 2019. This brief guide explains what those changes mean.

**These changes have not yet become law.** We expect the changes to come into force in **Autumn 2020**. We will [update this page on our website](#), tweet updates from [@unlockcharity](#) and you can [sign up to our mailing list](#) to receive email updates. In the meantime if you are applying for a job or role that involves a standard or enhanced DBS check, you should continue to disclose in line with the rules as they are today. [Read our guidance.](#)

## What information is removed at the moment?

Some cautions and spent convictions can become 'protected'. Once protected, they are 'filtered', meaning they won't be disclosed on standard or enhanced DBS certificates.

Filtered cautions and convictions do not appear on a standard or enhanced DBS certificate. However, they are not 'removed' or 'wiped' from police records.

- If you're applying for a job or role that involves a standard or enhanced DBS check, you are legally entitled to withhold the details of any caution or conviction that would now be filtered, and it won't be included on the standard or enhanced certificate.
- If you're carrying out a standard or enhanced DBS check as an organisation, you should be clear to applicants that they do not have to disclose any cautions or convictions that are filtered and you must ignore any filtered cautions/convictions if you become aware of them.

## What are the key changes?

There are two main changes to the current rules, announced in July 2020:

1. **Reprimands, final warnings and youth cautions are no longer disclosed:** Regardless of the offence, reprimands, final warnings and youth cautions will be no longer be disclosed on any DBS check.
2. **Multiple convictions can be filtered** – Provided the offence is eligible and didn't lead to a suspended or custodial sentence, convictions can now be filtered from standard and enhanced DBS checks after the relevant time period has passed, even if there is more than one conviction or offence on record.

## What is staying the same?

1. **The list of offences - the "offence rule"** – The list of offences that will cannot be filtered has not changed. Read our list of common offences that *can be filtered* [here](#). The full list of offences that *cannot be filtered*, published by the DBS, can be found [here](#).
2. **Prison sentences – the "sentence rule"** - Convictions that resulted in a prison sentence (or suspended sentence) cannot be filtered.
3. **The time periods** – The time periods before adult cautions and spent convictions can be removed remain the same.

These changes apply to what is disclosed for jobs and roles that involve a standard or enhanced DBS check. The rules for what is disclosed on basic criminal record checks are set out in the Rehabilitation of Offenders Act 1974 (ROA). Basic checks show unspent convictions. Once a conviction is spent, it will not be disclosed on a basic check. [Read our guidance on the Rehabilitation of Offenders Act 1974.](#)

### Examples of how the new rules will affect existing criminal records

1. Marcus was a teenager when convicted of 6 offences of theft between 1992 and 1994. Under the new rules, these will no longer be disclosed on standard or enhanced DBS checks as the convictions happened more than 6 years ago, when Marcus was under 18.
2. Sasha was convicted of 4 counts of benefit fraud in May 2012, when she was 31. Under the new rules, these will be removed from standard or enhanced DBS checks in May 2023, 11 years after Sasha was convicted as an adult.
3. Anita received a reprimand for arson at age 11, and a final warning for ABH at age 14. The new rules mean reprimands and final warnings, issued to under 18s and since replaced by youth cautions, will never be disclosed on standard or enhanced checks, regardless of the offence.
4. Lenny was convicted of ABH at age 14. He received a youth referral order. His conviction will continue to be disclosed on standard or enhanced checks because he was convicted of an offence that is on the list of offences that cannot be filtered.
5. Kyle accepted a youth caution for common assault in 2001, when he was 16. He was convicted of drug possession in 2010 when he was 25 and paid a fine. His youth caution will never be disclosed on standard or enhanced checks. His conviction for drug possession will be removed from checks in 2021 - 11 years after the date of conviction.
6. Abdi was convicted of drink driving in 2009 when he was an adult – he was disqualified and paid a fine. Three years later, he was convicted of drink driving again and was sentenced to 12 weeks in prison, suspended for a year. Abdi's first conviction will be filtered removed from a standard or enhanced DBS check this year, 11 years after he was convicted. His second conviction will always be disclosed because he was received a suspended prison sentence.