

APPENDIX 1: REHABILITATION PERIODS

Adult Offenders

These vary between five and ten years according to the sentence, which is imposed. Suspended sentences are treated as though they had been put into effect.

NB Sentences of imprisonment of more than 2 ½ years can never be spent.

| <u>Sentence</u> | Rehabilitation Period |
|--|--|
| 1. Imprisonment or corrective training for more than six months but less than thirty months | 10 years |
| 2. Cashiering, discharge with ignominy or dismissal with disgrace from HM's Service | 10 years |
| 3. Imprisonment for six months or less | 7 years |
| 4. Dismissal from HM's Service | 7 years |
| 5. Fine or other sentence (e.g. compensation or community service order) for which the Act does not provide a different rehabilitation period | 5 years |
| 6. Absolute discharge | 6 months |
| 7. Probation, conditional discharge or binding over, fit person orders, supervision orders or care orders under the Children and Young Persons Act | Until order expires (one year minimum) |
| 8. Remand home orders, approved school orders and attendance centre orders | One year after order expires |
| 9. Hospital orders under the Mental Health Acts | Two years after order expires (minimum five years from date of conviction) |

Young Offenders

The rehabilitation periods given above may be reduced by half for a person under 18 at the time the sentence was passed. Where a person is convicted as a **young offender**, the following sentences may be passed.

| <u>Sentence</u> | Rehabilitation Period |
|--|------------------------------|
| 1. Borstal training | 7 years |
| 2. Detention for more than six but less than thirty months passed under s53 of the Children and Young Persons Act 1933 or s57 of the Children and Young Persons Act 1937 | 5 years |
| 3. Detention for six months or less under either of those provisions | 3 years |
| 4. Order for detention in detention centre made under s4 of the Criminal Justice Act 1961 or under s7 of the Criminal Justice (Scotland) Act 1963 | 3 years |

APPENDIX 2: DBS ELIGIBILITY GUIDANCE

The following text is provided by the Disclosure and Barring Service (DBS) copied here under the [Open Government Licence](#)

DBS Checks: Eligibility Guidance

Under the Rehabilitation of Offenders Act 1974, a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the act.

Your Legal Responsibility

Before an organisation considers asking a person to make an application for a Disclosure and Barring Service (DBS) check, they are legally responsible for ensuring that they are entitled to ask that person to reveal their conviction history.

The information below includes the latest amendments introduced as a result of the Protection of Freedoms Act 2012 and describes occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. This is not an exhaustive list as some roles included in the list of exceptions obtain conviction information via other means.

The Ministry of Justice has stated that organisations should not insist that a DBS check forms part of a recruitment exercise or bid when tendering for contracts, unless the services provided meet the criteria for an eligible DBS check as defined by the exceptions, as this would breach employment law.

Enhanced checks with children's and/or adults' barred list check(s) – To be eligible to request a check of the children's or adults' barred lists, the position must meet the new definition of regulated activity. There are a small number of other positions for which you can also request list checks.

Using the reference numbers

The reference numbers in the tables below are used by DBS as a reference point only for dealing with enquiries about DBS check eligibility. If you are contacted to confirm eligibility for a position you must provide full details of the job role and explain how the relevant legislation supports the application for a DBS check. It is not sufficient to provide a reference number without supporting evidence.

Where to find further guidance

If you are unsure about whether a position is eligible for a DBS check you should refer to any guidance provided for the job sector, consider obtaining legal advice on the requirements to obtain criminal records checks.

You can also contact the DBS for further advice via email at customerservices@dbs.gsi.gov.uk ; please include the job specification and the roles and duties of the position.

APPENDIX 2: DBS ELIGIBILITY GUIDANCE CONTINUED

| Positions eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 | Ref No |
|---|---------------|
| Any work which is currently defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006. | 01(a) |
| Any work which was defined as regulated activity relating to children within the meaning of Schedule 4 Part 1 of the Safeguarding Vulnerable Groups Act 2006 before the coming into force of section 64 of the Protection of Freedoms Act 2012 on 10th September 2012. | 01(b) |
| Any work which is currently defined as regulated activity relating to adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act 2006. | 02(a) |
| Any work which was defined as regulated activity relating to vulnerable adults within the meaning of Schedule 4 Part 2 of the Safeguarding Vulnerable Groups Act before the coming into force of sections 65 and 66 of the Protection of Freedoms Act 2012 on 10th September 2012. | 02(b) |
| Any office or employment which is concerned with: a) the provision of care services to vulnerable adults. b) the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment; and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services. | 03 |
| Any work in a regulated position within the meaning of Part 2 of the Criminal Justice & Court Services Act 2000. This does not include those working with 16/17 year olds on work experience. | 04 |
| Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children. | 05 |
| Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children. | 06 |
| Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of vulnerable adults within the meaning of section 59 of the Safeguarding Vulnerable Groups Act 2006 as it had effect immediately before the coming into force of section 65 of the Protection of Freedoms Act 2012. | 07 |

APPENDIX 3: DBS Guidance: Filtering rules for criminal record check certificates

The 'Filtering rules for criminal record check certificates' document is produced by the Disclosure and Barring Service. It is copied here under the [Open Government Licence](#)



Disclosure &
Barring Service

Filtering rules for criminal record check certificates

For those 18 or over at the time of the offence:

An adult conviction will be removed from a DBS criminal record certificate if:

- 11 years have elapsed since the date of conviction; and
- it is the person's only offence, and
- it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the list of offences relevant to safeguarding. If a person has more than one offence, then details of all their convictions will always be included.

An adult caution will be removed after 6 years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

- The same rules apply as for adult convictions, except that the elapsed time period is 5.5 years
- The same rules apply as for adult cautions, except that the elapsed time period is 2 years.