

## **Guidance and Criteria on the filtering of Cautions and Convictions**

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are “protected” and are not subject to disclosure to employers, and cannot be taken into account.

### **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 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 which will never be removed from a certificate. 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.

\* The term ‘Caution’ includes reprimands and warnings.

\*\* A conviction is a determination of guilt by a court in relation to a specific offence. Multiple offences, whether arising from different occasions or from a single event, and in relation to which a court on one or more occasions reaches a determination of guilt, are to be treated as multiple convictions for filtering purposes.