



A guide to eligibility for criminal record checks

The Disclosure and Barring Service (DBS) issues criminal record certificates for specific positions, professions, employment, offices, works and licences included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Individuals and the self-employed cannot apply for a check directly to the DBS.

A DBS check will be requested as part of an organisation's pre-recruitment checks following an offer of employment, including volunteering roles and applications for specific licences. If you have been asked to apply for a check and are unsure how to obtain one, please speak to your employer.

The DBS will be removing certain specified old and minor offences from criminal record certificates issued from the 29 May 2013. Changes to the legislation were introduced to allow us to do this. Click [here](#) for more information on the filtering of conviction information.

Please note, as a result of changes to legislation the reference numbers in the Annex have been amended and will be subject to further changes in the future.

Legal Responsibilities

Before an organisation considers asking a person to make an application for a DBS check, they are legally responsible for ensuring that they are entitled to submit a check for the job role. This means that if you are a countersigning officer you must satisfy yourself that the position is eligible under the current legal provisions before you countersign each application form.

The Annex describes the most commonly submitted positions and duties that are known as the exceptions to the Rehabilitation of Offenders Act 1974. It should be noted that this is not an exhaustive list.

Types of DBS check available

- **Standard checks** – To be eligible for a standard level DBS check, the position **must** be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975.
- **Enhanced checks** – To be eligible for an enhanced level DBS check, the position **must** be included in both the ROA Exceptions Order **and** in the Police Act 1997 (Criminal Records) Regulations.
- **Enhanced checks with children's and/or adult's barred list check(s)** – To be eligible to request a check of the children's or adult's barred lists, the position **must** be eligible for an enhanced level DBS check as above **and** be specifically listed in the Police Act 1997 (Criminal Records) Regulations as able to check the barred list(s).

You can access the various Police Act 1997 (Criminal Records) Regulations by searching for them on [Legislation.gov.uk](#). This will not provide a list of job roles – such a list does not exist. Instead each Regulation can be opened to identify what roles, duties or activities have been included from the date that the Regulation was brought in. It is important to note that the Regulations can also remove roles, duties or activities.



Application eligibility enquiry

If you have been asked to complete and submit a DBS application form, but are unsure that the position applied for is eligible for a criminal record check, you can contact the DBS to investigate.

Please send an email with this title in the subject field: **Application Eligibility Enquiry – Urgent** to : customerservices@db.s.gsi.gov.uk you should include your full name, date of birth, the name of organisation who asked you to obtain a DBS certificate, details of the position applied for, and the form application number as soon as possible.

In order to carry out a full investigation the DBS may have to contact the organisation concerned to ask them to explain their reasons for requiring you to submit a DBS application. If you wish to give your consent, we can refer to your specific application to enable both DBS and the organisation to discuss the eligibility issue or we can contact the organisation to discuss the submitted application without reference to your enquiry.

You have the right to request the DBS to prevent the processing of this application under the Data Protection Act 1998, principal 6 “*Personal Data should be processed in accordance with individuals’ rights*”. However, we cannot guarantee that we will be able to halt the application before it is issued as it may have already reached the certificate printing stage.

Using the Annex

This Annex has been designed for use in conjunction with legislation.

The numbers in the Annex are used by DBS as a reference point for dealing with enquiries about eligibility. If your organisation is 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 the reference number without supporting evidence.

The Annex will not advise whether there is a mandatory requirement to have a DBS check for any specific role. Any mandatory requirement for DBS certificates will exist in legislation and guidance specific to your employment sector and you will need to explore this separately.

The Annex will not advise what level of check any specific role is eligible for. This can be established by referring to the Police Act 1997 (Criminal Records) Regulations referred to previously.

Your responsibility is to ensure that the decision that eligibility for a DBS check exists is based on the legislation that enables the check to be carried out for the activities and duties of the specific position.

You may find the following links useful.

[Home - The Department for Education](#)

[Department of Health - GOV.UK](#)

[Ofsted | Home page](#)

[Care Quality Commission | Homepage](#)



Annex

Positions, Professions, Employment, Offices and Works 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
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 10 th September 2012	02
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	03
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 10 th September 2012	04
Any office or employment which is concerned with: <ul style="list-style-type: none"> the provision of care services to vulnerable adults; or 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	05
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	06
Any work in a further education institution or 16 to 19 Academy where the normal duties of that work involve regular contact with children	07
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of children	08
Healthcare Professional – A person who is regulated by a body mentioned in subsection (3) of section 25 of the National Health Service Reform and Health Care Professions Act 2002	09
Barrister (in England and Wales), solicitor	10
Chartered accountant, certified accountant	11
Veterinary surgeon	12
Actuary	13
Registered foreign lawyer	14
Legal executive	15
Judicial appointment	16
The Director of Public Prosecutions and any office or employment in the Crown Prosecution Service	17
Designated officers for: <ul style="list-style-type: none"> magistrates' courts justices of the peace local justice areas justices' clerks assistants to justices' clerks 	18



Disclosure & Barring Service

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Persons employed for the purposes of assisting constables of a Police Force established under any enactment	19
Any employment within the precincts of: <ul style="list-style-type: none">• a prison• a remand centre• a removal centre• a short term holding facility• a detention centre• a Borstal institution• a young offenders institution• members of boards of visitors (England & Wales)	20
Traffic wardens	21
Probation officers	22
Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties	23
Financial Services position – This means all positions for which the Financial Conduct Authority (previously the Financial Services Authority) or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000	24
Those working within an Authorised Payment Institution as: <ul style="list-style-type: none">• Directors and managers• Holders of qualifying holdings• Controllers of the Authorised Payment Institution	25
Any employment in the Royal Society for the Prevention of Cruelty to Animals (RSPCA) where the person employed or working, as part of his duties, may carry out humane killing of animals	26
The Commissioners for Her Majesty's Revenue and Customs (HMRC) and any office or employment in their services	27
The Director and any office or employment in the Revenue and Customs Prosecutions Office	28
Any employment which is concerned with the monitoring, for the purposes of child protection, of communications by means of the internet	29
An individual designated under section 2 of the Traffic Management Act 2004	30
The following Court Positions: <ul style="list-style-type: none">• Judges' clerks, secretaries and legal secretaries within the meaning of section 98 of the Supreme Court Act 1981(c)• Court officers and court contractors who, in the course of their work, have face to face contact with judges of the Supreme Court, or access to such judges' lodgings• Persons who in the course of their work have regular access to personal information relating to an identified or identifiable member of the judiciary• Court officers and court contractors who, in the course of their work, attend either the Royal Courts of Justice or the Central Criminal Court• Court security officers and tribunal security officers	31



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<ul style="list-style-type: none"> • Court contractors who, in the course of their work, have unsupervised access to court-houses, offices and other accommodation used in relation to the courts • Contractors, sub-contractors, and any person acting under the authority of such a contractor or sub-contractor, who, in the course of their work, have unsupervised access to tribunal buildings, offices and other accommodation used in relation to tribunals • Court officers and court contractors who exercise functions in connection with the administration and management of funds in court, including the deposit, payment, delivery and transfer in, into and out of any court of funds in court, and regulating the evidence of such deposit, payment, delivery or transfer, and court officers and court contractors who receive payment in pursuance of a conviction or order of a magistrates' court 	
<p>The following persons:</p> <ul style="list-style-type: none"> • Court officers who execute county court warrants • High Court enforcement officers • Sheriffs and under-sheriffs • Tipstaffs • Any other persons who execute High Court writs or warrants who act under the authority of a person listed at (a) to (d) • Persons who execute writs of sequestration • Civilian enforcement officers as defined in section 125A of the Magistrates' Courts Act 1980 • Persons who are authorised to execute warrants under section 125B (1) of the Magistrates' Courts Act 1980, and any other person (other than a constable) who is authorised to execute a warrant under section 125 (2) of the 1980 Act • Persons who execute clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d) 	32
Individuals seeking to carry, acquire or transfer prohibited weapons or ammunition under section 5 of the Firearms Act 1968(c) – Maritime armed guards	33
A regulated immigration adviser who provides immigration advice or immigration services under Section 82(1) of the Immigration & Asylum Act 1999(a). This also applies to persons who act on behalf of and are under the supervision of such a registered person	34
Staff working for the Office of the Public Guardian with access to data relating to vulnerable adults	35
<p>Any employment or other work where the normal duties:</p> <ol style="list-style-type: none"> a) involve caring for, training, supervising, or being solely in charge of persons aged under 18 serving in the naval, military or air forces of the crown; or b) include supervising or managing a person employed or working in a capacity referred to in paragraph (a) 	36
A person living at the premises where a childminding or day care service is provided or who regularly works on the premises at a time when the childminding takes place	37
A person living in the same household as a person whose suitability is being assessed for a position working with children and who lives on the same premises where their work with children would normally take place	38
Applications for prospective adopters, special guardians or anyone who lives in the adoption	39



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household in England and Wales	
Applications for prospective foster carers, prospective private foster carers or anyone who lives in the fostering household in England and Wales	40
Individuals seeking authorisation from the Secretary of State for the Home Department to become authorised search officers	41
For the award of public works contracts, public supply contracts and public service contracts in accordance with Directive 2004/17/EC and 2004/18/EC of the European Parliament and of the Council of March 2004(a)	42
Football Stewards, supervisors or managers of football stewards	43
Approved Legal Services Body Manager	44
Those working for Alternative Business Structures as: <ul style="list-style-type: none"> • Head of Finance and Administration of a licensed body approved under schedule 11 of the Legal Services Act 2007 • Head of Legal Practice of a licensed body approved under schedule 11 of the Legal Services Act 2007 • Owners of a licensed body approved under schedule 13 of the Legal Services Act 2007 	45
Any employment or other work which is normally carried out in premises approved under section 9 of the Criminal Justice and Court Services Act 2000	46
Any person who has applied to be granted membership of the Master Locksmiths Association	47
The Commissioner for Older People in Wales, his deputy and any people appointed by the Commissioner, to assist him in the discharge of his functions or authorised to discharge his functions on his behalf	48
Commissioners for the Gambling Commission and any office or employment in their service	49
Police and Crime Commissioners	50

Licences eligible for DBS checks taken from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975	Ref No
For Taxi Driver and Private Hire Vehicle licensing purposes	51
For National Lottery licensing purposes	52
For licences issued under Section 25 of the Children & Young Persons Act 1933 (This relates to persons under the age of 18 travelling abroad for the purpose of performing or being exhibited for profit)	53
For licences issued under Section 8 of the Private Security Industry Act 2001	54
For obtaining or holding a personal or operating licence under Part 5 or Part 6 of the Gambling Act 2005	55
For obtaining or holding a licence under regulation 5 of the Misuse of Drugs Regulations 2001, article 3(2) of Regulation 2004/273/EC (b) or article 6(1) of Regulations 2005/111/EC(c)	56