

# Introduction

## 1.1 What is a criminal record check?

1.1.1 A criminal record check relates to the data held about a person's criminal history. The information included in a criminal record may vary between countries, and even between jurisdictions within the same country.

1.1.2 In most cases, a check will include criminal convictions, cautions and other similar offences, such as traffic offences for speeding and drink-driving. In some countries the record is limited to actual convictions issued by a court of law, while others will include arrests, charges, charges missed or pending, and even charges of which the individual has been acquitted.

1.1.3 This document describes the legislative requirements for employers that apply to England only.

## 1.2 Importance of a criminal record check

1.2.1 Carrying out a criminal record check can help to ensure unsuitable people are prevented from entering the workforce and gaining access to individuals who may be more vulnerable because they are receiving healthcare services.

1.2.2 A criminal record check should not be relied on in isolation. This type of check can provide a level of assurance about an individual's suitability but employers should consider criminal record information alongside the wider range of evidence gathered at the application, interview, and pre-employment checking stages.

1.2.3 Employers should check criminal record information at the end of the recruitment process to help ensure the individual is assessed on their merits and without prejudice. It also helps to remove any risks of unfairly ruling out an individual who may have made mistakes in their life but who

would otherwise meet all other essential criteria for the role and are safe and suitable for employment.

## 1.3 Where to obtain a criminal record check

1.3.1 In the UK, criminal record checks should be obtained through:

- the Disclosure and Barring Service (England and Wales)
- Disclosure Scotland (Scotland)
- Access NI (Northern Ireland).

1.3.2 Employers must obtain checks from the relevant body for their geographical location. This is because of variances in how legislation operates in different countries. For instance, certain offences may be regarded differently, or different periods of rehabilitation may be imposed therefore affecting the type of criminal record information employers need to consider. All three agencies referenced above have reciprocal arrangements in place to share criminal record information where offences are considered the same in that country.

## 1.4 The role of the Disclosure and Barring Service (DBS)

1.4.1 The DBS supports employers to make safe recruitment decisions by providing information held about an individual on the Police National Computer (PNC). It also has a team of caseworkers who process referrals about individuals who have harmed or pose a risk of harm to vulnerable groups, with a view to placing them on the adults and/or children's barred lists.