

What is a criminal record check?

DBS checks and mental health

Employers will ask for a criminal record check if you are applying for a job that involves regular work with children or vulnerable adults. These are known as DBS checks. This factsheet explains what these checks are and how you can find out what information is held about you. There's information about what to do if you are unhappy with the information on your certificate. This information is for adults affected by mental illness in England. It's also for their loved ones and carers and anyone interested in this subject.

Key Points.

- Employers will ask for a DBS certificate if you are applying for a job that involves work with children or vulnerable adults.
- Certificates include information about your contact with the criminal justice system, such as the police, courts, or prison. They might also include other information that the police think your potential employer needs to know. This could include information about your mental health.
- The police might know about your mental health if you have had contact with them. Like if the police moved you to a place of safety because of your mental health, under Section 136 of the Mental Health Act.
- The police must use guidelines to decide what information they put on your certificate.
- You can find out what information is held about you by making a Subject Access Request to the police.
- You can challenge the information that is on your DBS certificate. In some cases, the police may ask for your views about the information before they give it to a potential employer.

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1. What are Disclosure and Barring Service (DBS) checks?

A DBS check is when an employer checks the criminal record of someone applying for a job. DBS stands for Disclosure and Barring Service. They are the service who arrange the check.¹

Employers can ask for a DBS check if you are applying for a job that would involve a 'regulated activity'.

What is regulated activity?

'Regulated activity' means work with vulnerable groups, such as children or the elderly.^{2,3}

'Regulated activity with children' means having close unsupervised contact with children. This includes work in:⁴

- schools,
- healthcare settings like hospitals, or
- childcare.

It doesn't include work by volunteers who are under the close supervision of someone else.⁵

Regulated activity with vulnerable adults can involve the following things.⁶

- Working in healthcare or personal care.
- Being a social worker.
- Helping with household tasks, like shopping and paying bills.
- Being involved in a person's affairs, like helping someone with their money or making decisions.

- Transporting a vulnerable adult to another place to get health or social care. This doesn't include family, friends, or taxi drivers.

What are the different types of DBS checks?

There are 5 types of checks.⁷

- **Basic.** An employer can ask for a basic DBS for any position or purpose.
- **Standard.** An employer can ask for a standard DBS check if the position you are applying for involves duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. For example, court officers, employment within a prison, and the Security Industry Authority (SIA).
- **Enhanced.** The enhanced check is available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations. Like regularly caring for, training, supervising or being solely in charge of children. Also specified activities with adults in receipt of health care or social care services. And applicants for gaming and lottery licences.
- **Enhanced with barred list.** This is the same as an enhanced check. But it also looks at whether you are on the 'barred list' of people that cannot do work that involves regulated activity. An employer can only ask for this check for certain jobs. Such as those wanting to be adoptive parents and taxi and private hire vehicle drivers. The DBS has a legal duty to consider any information that suggests you may pose a risk of harm.
- **DBS adult first check.** DBS adult first is a service available to organisations who can request a check of the DBS adults' barred list. Depending on the result, a person can be permitted to start work, under supervision, with vulnerable adults before a DBS certificate has been obtained. The following criteria must be met for one of these checks:
 - the position must require a criminal record check by law,
 - the position must be eligible for access to the DBS adults' barred list, and
 - the organisation must have requested a check of the DBS adults' barred list on the DBS application form.

For more information on DBS fees see:

- **Basic:** www.gov.uk/db-check-applicant-criminal-record/get-a-basic-dbs-check-for-an-employee
- **Standard, enhanced, including enhanced with barred list:** www.gov.uk/db-check-applicant-criminal-record/get-a-standard-or-enhanced-dbs-check-for-an-employee

Who issues DBS certificates?

The Disclosure and Barring Service (DBS) issues certificates.

Who sees the certificate?

The DBS will only send a copy of the certificate to you. They will not send one to your potential employer.

So, you will have the chance to question any information that you don't think should be on there. You can do this before your potential employer sees the certificate. See [section 7](#) of this factsheet for more information.

Your potential employer must ask you to see a copy of your DBS certificate.

Information on the certificate is sensitive, so your potential employer must follow strict guidelines when handling this information. It must be stored securely. Only people involved in the recruitment process who need to see this information should be allowed to see it.⁸

What is the DBS barred lists?

The employer can also check if you are on the DBS barred lists. People on these lists are deemed unfit to work with children or vulnerable adults.⁹

You would usually only be on the DBS barred list if:

- you have committed a very serious crime, and
- you are working or have worked in a regulated activity, or might do in the future.

You may be able to appeal the DBS' decision to put you on a barred list.¹⁰ You can find information about when and how you can appeal here:

www.gov.uk/government/publications/dbs-barring-appeals

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2. What is the DBS confidential checking service for transgender applicants?¹¹

The Disclosure and Barring Service (DBS) provides a confidential checking service for transgender applicants. This is known as the sensitive applications route. It is available for all levels of DBS check, basic, standard, and enhanced.

This route gives transgender applicants a choice. You can choose not to have any gender or name information on your DBS certificate that could reveal your previous gender identity.

How can I contact the sensitive applications team?

You can contact the sensitive applications team before submitting your application. The team is experienced in dealing with sensitive cases and

will advise you of the process and what you need to do. Their contact details are:

- **Phone:** 0300 106 1452
- **Email:** sensitive@dbb.gov.uk

You might be happy to have your previous identity disclosed on your certificate. If you are, you don't need to contact the sensitive applications team. You can simply put this information under the 'any other names' section of your application.

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3. What information is included on a DBS certificate?

The following information is included on the named types of DBS checks.¹²

- **Basic.** A basic certificate will contain details of convictions and cautions from the Police National Computer (PNC) that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.
- **Standard.** The certificate contains details of all spent and unspent convictions, cautions, reprimands, and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation. Some old or minor offences might not be disclosed on DBS certificates. These are known as 'protected' offences. You can read more about DBS filtering here: www.gov.uk/government/publications/dbb-filtering-guidance/dbb-filtering-guide
- **Enhanced.** An enhanced level certificate contains the same Police National Computer PNC information as the standard level certificate but also includes a check of information held by police forces. This includes information about allegations, arrests, matters that resulted in no further action or not guilty verdicts. It could include if the police were involved in taking you to a place of safety under sections 135 or 136 of the Mental Health Act. This information is not automatically included on enhanced DBS certificates. But police might include it if they think it's relevant.¹³ The Protection of Freedoms Act 2012 makes sure the police use a very detailed test before deciding to put information on enhanced DBS certificates.¹⁴
- **Enhanced with list check.** The same information is disclosed as an enhanced check. But it will also whether you are on the 'barred list' of people that can't do work that involves regulated activity. The DBS has a legal duty to consider any information that suggests you may pose a risk of harm.
- **DBS adult first check.** This check says whether you are on the 'barred list' of people that can't do work that involves regulated activity. Depending on the result, a person can be permitted to start

work, under supervision, with vulnerable adults before a DBS certificate has been obtained.

You can find more information about unspent convictions in our '**Criminal convictions – When and how to tell others**' factsheet at www.rethink.org. Or you can call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheets.

You can find more information about:

- Section 135 of the Mental Health Act - Being taken to a place of safety from a private place, and
- Section 136 of the Mental Health Act - Emergency police powers to take you from a public place to a place of safety

at www.rethink.org. Or you can call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheets.

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4. How do the police decide what information to include on an enhanced check?

Police should only include information on an enhanced check if they reasonably believe it to be relevant.¹⁵

There is guidance to help the police with their decision-making. This is called the Home Office Statutory Disclosure Guidance.¹⁶ You can find the Guidance here: www.gov.uk/government/publications/statutory-disclosure-guidance

The Guidance says that there are 8 rules that Chief Police Officers need to follow. The main points are below.

- Each piece of information should be assessed separately. Information shouldn't be automatically included, or left off, a DBS certificate, just because it is a certain type of information. So, information about your mental health shouldn't be routinely included.
- They should only include information if they reasonably believe it to be relevant. To decide if it is relevant, they need to consider the following things.
 - If the information is important to the position you are applying for. What may be relevant to a job application for nursing may not be relevant if the application is for a school cleaner.
 - If the information is serious enough to be included. It wouldn't be reasonable to include information about something small or unimportant. Unless that thing is very relevant to the job you're applying for.
 - If the information is about something that has happened quite often. For example, a one-off allegation of aggressive behaviour might be less relevant than if there have been lots of allegations.
 - How old the information is, and how you have behaved since.

- If the information is from a reliable person.
- They need to weigh up:
 - the effect of disclosing this information on your private life, and
 - the importance of the reason for disclosing the information.
- The police might be investigating you, but you don't know about it. If this is the case, they would need to think about how to handle this situation.
- They should think about asking you to share your views on disclosing a piece of information.

The police should keep a clear record of how, and why, they made their decisions.

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5. Should information about my mental health be included?

The police shouldn't disclose information about your physical or mental health on its own. Only other additional factors can make information about your mental health relevant for disclosure.¹⁷

Police might detain you under sections 135 or 136 of the Mental Health Act. They can do this they think you are a risk to yourself or others because of your mental health and:¹⁸

- you are in a private place, such as your home, or
- you are in a public place.

You might have been detained under sections 135 or 136 of the Mental Health Act in the past. This shouldn't be disclosed on your DBS certificate unless there are other relevant factors.¹⁹

A relevant factor might be that at the time of your detention police thought you were at risk of harming others. Police might think that the users of the DBS certificate should be aware of this risk.²⁰

Police should think about how long ago any incidents took place and whether they are still relevant.²¹

Police might think information about a past incident linked to your mental health is still relevant. If they do, they should think about giving you the chance to tell them about how your mental health is currently. This can help them to decide whether to disclose the information.²²

Police might decide to disclose information relating to an episode of your mental ill health. If they do, the DBS certificate should explain clearly why this information is relevant to the employer or other organisation.²³

When deciding whether to disclose mental health information, the police should remember the following things.²⁴

- There are many different categories of mental illness. They shouldn't generalise.
- They aren't mental health experts and shouldn't be expected to be mental health experts.
- Experiencing mental illness isn't a crime. Only other factors can make mental health information relevant.
- experiencing mental illness can recover or manage their condition.

The police should think about the following questions. This is to help them decide whether mental health information may be relevant.²⁵

- Can you act responsibly?
- Has your behaviour put you, or others, at risk of harm?
- Does your medication, or not taking your medication, significantly affect your behaviour?
- Is your judgement affected?
- How old is this information?
- How is your current state of health?

The police need to work out whether any risk to vulnerable adults or children outweighs your right to live your life privately. If the police do interfere with this right, they must be able to show that it was necessary.²⁶

If mental health information is included on your DBS certificate without good reason, then you can challenge this information. [Section 7](#) of this factsheet explains how you can do this.

You can find more information about:

- Section 135 of the Mental Health Act - Being taken to a place of safety from a private place, and
- Section 136 of the Mental Health Act - Emergency police powers to take you from a public place to a place of safety

at www.rethink.org. Or you can call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheets.

How could mental health information be worded on my certificate? ²⁷

The police might decide to disclose information about your mental health on your DBS certificate. They should be very careful about how they word this information. Their statement should:

- be clear and short,
- not leave the reader with any unanswered questions, and
- not include aspects of your illness, or behaviour while you were ill, that aren't relevant.

6. How can I find out what information the police and others have about me?

You have the right to ask for a copy of the information the police have about you. This is called a 'subject access request'.

Please see the following link for more information: www.gov.uk/copy-of-police-records

You must make your subject access request to the ACRO Criminal Records Office (ACRO). You can find information about how to do this here: www.acro.police.uk/Subject-Access-Online.aspx

You should normally get a reply from the police within 1 month.²⁸

You can read more about making subject access requests here: <https://ico.org.uk/for-the-public/your-right-to-get-copies-of-your-data>

You can also make a subject access request to the HM Courts Service, HM Prison Service, and The Crown Prosecution Service (CPS).

7. How can I challenge information on a DBS certificate?

How can I dispute a mistake on my standard or enhanced DBS certificate?²⁹

If you think there's been a mistake on a standard or enhanced check you can raise a dispute. But only if the mistake is in either:

- the records provided, like wrong or irrelevant information on convictions, or
- personal information, like your name

The police may ask for fingerprints to prove your identity if there's a mistake in the records.

How do I raise a dispute?

You must report the mistake within 3 months of the date on the certificate.

For mistakes in records, you have to fill in a certificate dispute form, which you can find here: www.gov.uk/government/publications/dbs-certificate-disputes-and-fingerprint-consent-forms-and-guidance-af14-af15

For mistakes in personal information, you must fill in Section A of the certificate dispute form. Or you can call the DBS customer services team on 0300 0200 190.

What is an Independent Monitor review for enhanced certificates?

DBS will work with the police to make a decision about your dispute. If the police do not agree there's a mistake, the dispute will be referred to the Independent Monitor.

But only if the objection is that information is:

- not relevant to the position applied for, or
- should not be included in the certificate.

The enhanced certificate will be corrected if the Independent Monitor agrees with your dispute.

You must raise a dispute with the DBS before a referral to the Independent Monitor is made.

You can find contact details for the Independent Monitor in the [Useful contacts](#) section of this factsheet.

If you disagree with the Independent Monitor's decision you can think about getting legal advice.

You can find more information about '**Legal advice – How to get help from a solicitor**' at www.rethink.org. Or call our General Enquiries Team on 0121 522 7007 and ask them to send you a copy of our factsheet.

How can I dispute information on a basic DBS certificate?³⁰

You can raise a dispute about the content of your basic certificate if any of the following apply:

- personal information is incorrect, such as a name or place of birth,
- there is incorrect information regarding conviction details, or
- the conviction details do not belong to you.

To raise a dispute, you must use your [DBS online account](#).

You can get more information on the following link if you want to dispute information on your DBS: www.gov.uk/report-problem-criminal-record-certificate/dispute-a-mistake

What is making a representation?

In some cases, the police may contact you before your check is completed. This is to give you the option of putting forward your views about your DBS application. This is called making representations. This may happen if:³¹

- it is possible that the information they are thinking of disclosing is wrong, unreliable, out of date. Or where the outcome of their investigations is unknown,
- you didn't know the police had this information, and you have never had a chance to challenge it, or
- you have already challenged the information.

In this case the police will contact you to ask if you want to disagree with the information. You will usually need to do this in writing.

You could ask someone else, like a healthcare professional, to put forward views for you. If the information you disagree with is about your mental health, they could explain what care and treatment you are getting.

Can I contact the police?

You might think that:

- police will include information on your DBS certificate about your mental health, and
- it's not relevant to the job you're applying for.

You might have been detained by the police under section 135 or 136 of the Mental Health Act, for example.

You can contact the relevant police force and:

- ask them to not include this information on your DBS certificate, and
- explain the reasons why.

This will make the police think more carefully about whether they should disclose the information.

You can find more information about:

- Section 135 of the Mental Health Act - Being taken to a place of safety from a private place, and
- Section 136 of the Mental Health Act - Emergency police powers to take you from a public place to a place of safety

at www.rethink.org. Or you can call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheets.

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8. I think an employer has discriminated against me because of information on my DBS certificate. What can I do?

You might think an employer has discriminated against you because of information about your mental health on a DBS certificate.

Think about:

- the reason the employer has given for their decision,
- if the employer has said that their decision is because of risk associated with the information on your DBS certificate, and
- if their decision is simply because you have a mental illness, and nothing else.

If you think you've been discriminated against you can get free advice from the Equality Advisory and Support Service. You can find their details in the [Useful contacts](#) section of this factsheet.

You can find more information about '**Discrimination and mental health**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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9. How long is a DBS certificate valid for?

A DBS certificate has no official expiry date. The information that is on the certificate is relevant and correct at the time of printing.³²

You might need to apply for another certificate if you stay in the same job for a while. Your employer might ask you for an updated certificate.

You may need to apply for a new certificate if you move to another job that asks for a DBS check.

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10. What is the DBS update service? ³³

The update service is an online service that makes it easier for you to keep your DBS certificate up to date.

You need to register to use the update service. You can apply to join the update service before you ask for a DBS check. Or you can do this up to 30 days after your certificate is issued.

The update service allows you to take your certificate from one job to the next, unless:

- your employer asks you for a new certificate,
- you need a certificate for a different type of 'workforce.' For example, you have an 'adult workforce' certificate and need a 'child workforce' certificate, or

- you apply for a job that needs a different type of certificate from the one you have.

This can be helpful if you change job a lot. For example, if you work through an agency.

An employer can do a 'status check' via the update service. This means they can see if any relevant information about you has been added since your DBS certificate was issued.

An employer can't do this without asking you first.

You can read more about the DBS update service here: www.gov.uk/dbs-update-service

Did this help?

We would love to know if this information helped you or if you found any issues with this page. You can email us at feedback@rethink.org

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Further Reading

You can find more information about:

- Legal advice – How to get help from a solicitor
- Discrimination and mental illness
- Work, volunteering, and mental illness
- Criminal convictions – When and how to tell others

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Useful Contacts

The Disclosure and Barring Service (DBS)

The DBS helps employers in England and Wales to make safer recruitment decisions. You can contact them to track your application. Or if you think the information on your certificate is wrong.

Phone: 0300 0200 190

Email: customerservices@dbs.gov.uk

Sensitive applications team: A confidential checking process for transgender applicants who don't want to reveal details of their previous identity to a potential employer **Email:** sensitive@dbs.gov.uk **Phone:** 0300 106 1452

Website: www.gov.uk/disclosure-barring-service-check/contact-disclosure-and-barring-service

The Independent Monitor

They look at cases where someone is not happy with information that's been put on their enhanced DBS certificate.

Address: Independent Monitor Home Office 3rd Floor Peel 2 Marsham Street London SW1P 4DF

Email: IndependentMonitor@homeoffice.gov.uk

Webpage that includes contact details: www.gov.uk/report-problem-criminal-record-certificate/dispute-a-mistake

Nacro

Nacro are a charity that helps a range of people including those in the justice system. They provide different services for people in the justice system.

Phone: 0300 123 1889

Email: info@nacro.org.uk

Website: www.nacro.org.uk

Unlock

Unlock is a charity that exists to make people's lives with criminal records better. They provide information and advice, as well as direct one-to-one support.

Phone: 01634 247350

Text or WhatsApp: 07824 113848

Online contact form: <https://unlock.org.uk/the-helpline/#contact>

Information on service for hearing or speech impaired callers:

<https://unlock.org.uk/new-service-for-hearing-and-speech-impaired-callers/>

Post: The Helpline, Unlock, Maidstone Community Support Centre, 39-48 Marsham Street, Maidstone, Kent, ME14 1HH

Website: www.unlock.org.uk

Equality Advisory and Support Service (EASS)

The EASS helpline advises and assists individuals on issues relating to equality and human rights. This includes advice about the Equality Act 2010 and discrimination.

Telephone: 0808 800 0082

Address: FREEPOST EASS HELPLINE FPN6521

Online contact form: www.equalityadvisoryservice.com/app/ask

Website: www.equalityadvisoryservice.com

¹ Gov.UK. *DBS checks: Guidance for employers - Overview.* www.gov.uk/guidance/dbs-check-requests-guidance-for-employers (accessed 23 March 2023)

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- ³ Disclosure and Barring Service. *Regulated activity with children in England - What is regulated activity?* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739154/Regulated_Activity_with_Children_in_England.pdf (accessed 23 March 2023)
- ⁴ Disclosure and Barring Service. *Regulated activity with children in England - What is regulated activity?* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739154/Regulated_Activity_with_Children_in_England.pdf (accessed 23 March 2023)
- ⁵ Department for Education, 2012. *Regulated Activity in Relation to Children: scope*. See 'Summary' on page 3. www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_Activity_in_Relation_to_Children.pdf (accessed 3 March 2023).
- ⁶ Department of Health, 2012. *Definition of 'regulated activity' (adults) as defined by the Safeguarding Vulnerable Groups Act 2006 from 10th September 2012*. Available from www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf (accessed 3 March 2023)
- ⁷ Gov.UK. *DBS checks: Guidance for employers - Types of DBS checks and how to apply*. www.gov.uk/guidance/dbs-check-requests-guidance-for-employers (accessed 3 March 2023)
- ⁸ Home Office, 2015. *Revised Code of Practice for Disclosure and Barring Service Registered Persons*. Available from [www.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code of Practice for Disclosure and Barring Service Nov 15.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf) (accessed 3 March 2023)
- ⁹ Gov.UK. *Check someone's criminal record as an employer* <https://www.gov.uk/dbs-check-applicant-criminal-record#:~:text=for%20an%20employee-,Checks%20you%20can%20make%20on%20someone's%20record,example%20in%20healthcare%20or%20childcare> (accessed 3 March 2023)
- ¹⁰ Gov.UK. *DBS barring - Appeals* <https://www.gov.uk/government/publications/dbs-barring-appeals> (accessed 7 March 2023).
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- ¹² Gov.uk. 2013. *DBS checks: Guidance for employers*. www.gov.uk/guidance/dbs-check-requests-guidance-for-employers (accessed 3 March 2023)
- ¹³ Home Office - Disclosure and Barring Service. *Statutory Disclosure Guidance*. <https://www.gov.uk/government/publications/statutory-disclosure-guidance> (accessed 6 March 2023)
- ¹⁴ Nacro. *Criminal record checks and disclosure – What shows up? What will be disclosed on the different checks?* www.nacro.org.uk/nacro-services/advice/advice-for-individuals/understanding-whats-on-your-criminal-record/criminal-record-checks-and-disclosure (accessed 23 March 2023)
- ¹⁵ Home Office - Disclosure and Barring Service. *Statutory Disclosure Guidance*. <https://www.gov.uk/government/publications/statutory-disclosure-guidance> (accessed 6 March 2023) Point 12.
- ¹⁶ Home Office - Disclosure and Barring Service. *Statutory Disclosure Guidance*. <https://www.gov.uk/government/publications/statutory-disclosure-guidance> (accessed 6 March 2023)
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- ¹⁸ S135 & 136 Mental Health Act 1983
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Rethink Mental Illness Advice Service

Phone 0808 801 0525

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(excluding bank holidays)**

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