

CNHC briefing note:

Changes to Disclosure Scotland criminal record check procedures

29 November 2017

Disclosure Scotland, the organisation which provides criminal record checks for Scottish residents, has in recent years also offered a service to residents of England and Wales: what's known as a 'basic disclosure' of any unspent convictions or cautions.

The service has been a convenient way to run UK-wide checks for convictions covered by the Rehabilitation of Offenders Act 1974*, not only for potential employers but for individuals who wanted to keep an up-to-date disclosure statement in their files.

Beginning 1 January 2018 this process will change. Basic checks in England and Wales will be taken over by the Disclosure and Barring Service (DBS) – the existing Government body which already offers enhanced checks for sensitive jobs that fall outside the Rehabilitation of Offenders Act, such as work with children or vulnerable adults.

After January, Disclosure Scotland will carry out searches for Scotland only, with residents of Northern Ireland still being covered by AccessNI.

The primary role of DBS is to help employers in England and Wales make safer recruitment decisions to prevent unsuitable people from working with vulnerable groups, including children. The DBS processes more than 4 million disclosure checks a year and holds more than 57,000 people on a barred list.

The DBS will fully take over the service from 1 January 2018; a transition period started in October 2017 and runs to the end of December 2017.

The new DBS service will offer online applications via their website for a basic criminal records check. When the online service goes live for individuals the applications are expected to cost around £25. While individual results won't be available online to potential employers, it will offer individuals the option of sending paper certificates to third parties.

Individuals may also allow a 'responsible organisation' – a third party registered with DBS – to submit checks on their behalf. A list of responsible organisations can be found at www.gov.uk/guidance/responsible-organisations.

More information is available at [Disclosure and Barring Service](#), [Disclosure Scotland](#) and [AccessNI](#).

**The Rehabilitation of Offenders Act 1974 enables some criminal convictions to be ignored after a rehabilitation period, so that people do not have a lifelong blot on their*

record because of a relatively minor offence in their past. Custodial sentences of four years or longer can never be 'spent' and must be disclosed if requested; certain jobs and professions are also exempt from the Act and individuals may not withhold details of convictions when applying for roles, including (but not limited to) work with children and vulnerable adults, employment in bail and probation hostels, and roles which involve access to personal information held on children or vulnerable adults.