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DISCLOSURE AND BARRING SERVICE – FREQUENTLY ASKED QUESTIONS

QUESTION	RESPONSE
<p>What is a DBS Check?</p>	<p>DBS Checks are background checks carried out on individuals that provide details of all or some of their criminal history. DBS stands for 'Disclosure and Barring Service', and this check replaced the 'Criminal Records Bureau' check (CRB) as of December 2012.</p> <p>A DBS check, also known as a disclosure, will identify any convictions, cautions, final warnings or reprimands that are relevant to the prospective employment, and can also include intelligence from the police that may affect an individual's suitability for certain employment.</p>
<p>Will I lose my job if I have a positive disclosure?</p>	<p>We encourage you to tell the Service about any prior convictions before the DBS checks are undertaken. Each case will be treated individually.</p> <p>A risk assessment will be carried out, and the following will be taken into account:</p> <ul style="list-style-type: none"> • the summary of offence(s) and the length of time since the offence(s) occurred; • whether there is a pattern to the offending behaviour, or whether it was a one-off; • the circumstances surrounding the offence(s), and any explanations provided by you; • whether your personal circumstances have changed; • any attempt by you to reform, if applicable; <p>Your Line Manager will then seek guidance as to your suitability for the role you will undertake.</p> <p>A criminal record does not necessarily prevent a person working for the Fire and Rescue Service.</p>

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Do I need to disclose a 'spent' conviction?	<p>Both Standard and Enhanced DBS checks will disclose convictions and cautions which are spent and unspent, so it would be best to advise your Line Manager (or the Recruitment Team) in advance.</p> <p>The Service's terms and condition of employment state the following: 'During the course of your employment, you are required to inform your manager if you are the subject of police proceedings, including investigation, prosecution, conviction or bind-over orders, or if you are made aware you are or have been referred to the Independent Safeguarding Authority (Disclosure and Barring Service). Failure to disclose such information at the appropriate time could lead to disciplinary action being taken'.</p>
What is a 'spent' conviction?	<p>Any custodial sentence over two and a half years stays unspent. If you were found guilty of a criminal offence by a court, your conviction will be considered 'spent' at the end of the specified time-period.</p> <p>A spent conviction or caution means:</p> <ul style="list-style-type: none"> • it is no longer on your basic criminal record; • it will only show up on a more detailed DBS check known as 'Standard' or 'Enhanced', unless it has been removed ('filtered') from the DBS certificate.
Do I have to agree to a DBS check?	<p>A refusal to submit to a DBS check is unlikely to be a reasonable response by a member of staff. Each case will need to be considered on its own merits and, if you refuse, the Service will need to go through a fair disciplinary process with you which ultimately could lead to the termination of your contract.</p>
Do I need to declare matters such as parking tickets or speeding tickets?	<p>Technically, any criminal offence of which an individual is convicted in a court forms part of their criminal record. In practice, however, many motoring offences (such as speeding, careless driving, and failing to provide driver details) do not appear on a criminal record and therefore do not need to be disclosed (unless you are required to do so as part of a driving role or in order to drive Service vehicles).</p>
I cannot find my driving licence - what should I do?	<p>It is an offence not to produce your driving licence, certificate of insurance and MoT certificate when requested to do so by a police officer. If you have lost your driving licence, you can apply for a new one. If your licence has been stolen, you should also report it to the police.</p>

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What if I need to renew my passport or driving licence – who pays?	You are responsible for providing your own identification documents, including any associated costs.
What happens if something shows up on my DBS?	<p>Once a check is complete, a result will be received that states either:</p> <ul style="list-style-type: none"> • 'Contains no information' - this equates to a clear result); • 'Wait to see certificate' - this means that the DBS certificate that the applicant has received may show cautions, warnings, reprimands and / or convictions. <p>Whether a criminal record will bar an ex-offender from working with / for the Service will depend on the offence and the relevance of the offence in relation to the position applied for.</p>
Can I carry out my normal duties pending a DBS check?	Yes, carry on as usual, including visiting places in which you might find 'vulnerable people', such as schools.
How do you find out if you are already / still covered from a previous DBS check?	Disclosures do not have an expiry date, only a start date. However, as part of this process, you will be required to carry out a new DBS check every 3 years.
How long will it take to get my certificate?	In most cases, the application is completed and the certificate sent out within 14 days from the point at which the applicant has satisfied all of the application requirements.
Who keeps the certificate?	The disclosure is the property of the person whose name is printed on the certificate. However, the Service will take a copy for reference.
How will I receive my certificate?	Once processing has been completed, the certificate is posted by regular mail to your home address as supplied on the application. Please note that, once you have applied, you cannot alter the postal address.
Who pays for the certificate?	The Service covers the cost of the DBS Check.
What is a Standard DBS check?	Standard DBS Checks will show any unspent convictions, cautions, reprimands and final warnings, as well as any spent convictions or cautions that were not removed by filtering.

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<p>Can an applicant fail a DBS Check?</p>	<p>DBS Checks produce a certificate that provides details of any information about an individual's criminal record, and states whether they have one relevant to the position for which they are applying. If the certificate shows information about any convictions, cautions, warnings or reprimands, this does not mean that the individual has 'failed' the DBS Check.</p> <p>Employers must, by law, consider whether the offences committed, and the length of time since they were committed, are relevant to the role for which the individual has applied, or in which the person is working.</p> <p>The only exception to this rule is if a check of a barred list has found that the individual is barred from working with a vulnerable group. In this case, their employer cannot legally employ them to work in regulated activity with that vulnerable group.</p> <p>North Wales Fire and Rescue Service - excluded positions. A number of jobs and professions are excluded or exempt from the rehabilitation provisions. The fact that their conviction is spent does not entitle the individual to decline to disclose it to a prospective employer. If a position is exempt, the employer may lawfully reject the individual for employment on the grounds of a conviction, whether spent or unspent.</p>
<p>What does a DBS check show?</p>	<p>The amount of information shown depends upon the level of the check. The details of unspent convictions will be listed regardless of the application, but there is a grey area when it comes to disclosing cautions, and certain convictions.</p> <p>Certain cautions and convictions are protected such that they do not show up on DBS disclosures; those that are eligible for filtering are removed from DBS check documents once the application has been made.</p>

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<p>What is filtering?</p>	<p>Changes to the criminal record disclosure now mean that certain offences will be filtered once certain criteria have been met. Previously, all offences were disclosed automatically, but the new rules mean that:</p> <ul style="list-style-type: none"> • warnings, reprimands and youth cautions (including conditional cautions) will no longer be automatically disclosed on a DBS certificate; • the multiple conviction rule has been removed. This means that individuals with more than one conviction will have each conviction considered individually against the criteria, rather than all being automatically disclosed. <p>So this ultimately means that:</p> <ul style="list-style-type: none"> • child convictions will be excluded from DBS Checks if 5.5 years have passed since the conviction date, if the conviction did not result in a prison sentence, and if it was not for a specified offence; • any youth caution, reprimand or final warning will be excluded from Standard and Enhanced DBS checks, regardless as to whether it was for a specified offence or not; • adult cautions will be excluded from Standard and Enhanced DBS checks after 6 years have elapsed, if it is not for a specified period; • adult convictions will be excluded from DBS checks if 11 years have passed since the conviction date, if the conviction did not result in a prison sentence, and if it was not for a specified offence.
<p>What are specified offences?</p>	<p>Specified offences are those which will never be excluded from a DBS Check. This classification is usually given to those that involve violence, fraud or sexual offences, but there are many others that are included the list; for example, endangering the safety of an aircraft is a specified offence.</p>

This document forms part of a suite of information covering this subject area; hyperlinks to all the documents are available by clicking back to the home page.

Should any omissions or errors come to light with regard to the content of this suite of documents, readers are invited to contact policy.development@northwalesfire.gov.wales with their feedback.

It is recommended that this document be reviewed on a triennial basis; however, it might require earlier revision in the light of any regulatory change which comes into effect in the interim.			
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