

Challenging an ineligible DBS check

Disclosing to employers - Information series

Summary

- Some employers carry out checks that the particular role is not eligible for.
- This is especially important if you have a spent criminal record and you've applied for a job where the employer is carrying out a standard or enhanced check that will disclose your record, as it wouldn't be disclosed on a basic check.
- The DBS has a process which allows individuals to 'query' a potentially-ineligible check.
- In the first 2 years that this operated, the DBS wrote to 3,311 organisations about specific applications, and 1,385 were not completed, which is 42% of the ones that the DBS looked into.
- This document is designed as a brief guide to this process. For more information, [search for 'ineligible checks' on hub.unlock.org.uk](#).

Step 1 – Is the role eligible for a DBS check?

Many jobs and roles are [eligible for standard and/or enhanced checks](#). Most employers will make this clear, and legally they'll be allowed to do this level of check. You can [use a process designed to help you to establish eligibility](#).

- If you think the role eligible for a DBS check, you should disclose accordingly.
- If you have good reason to believe that it's eligible for a DBS check, you may not want to disclose anything that is 'spent' yet until you've had a chance to formally query this with the DBS.

Step 2 – Consent to the check

If you have good reason to believe that the job isn't eligible, at this stage there is little you can do but to consent to the check. In this situation, if you've only got spent convictions and cautions, you should tick 'no' to the question about convictions and cautions. This is to prevent you disclosing something to the employer that you think they might not be allowed to know about.

Step 3 – Immediately raise this with the DBS

Once the application has been submitted to the DBS, you can formally 'query' the eligibility mid-application. To do this, you will need to be able to provide enough information to enable the DBS to locate the application. More information about this is provided overleaf.

Formally raising a mid-application eligibility query with the DBS

To formally query the eligibility of a check submitted to the DBS:

1. Email customerservices@dbsgsi.gov.uk as soon as possible after submitting the form
2. In the subject line of the email, enter "APPLICATION ELIGIBILITY QUERY – URGENT"
 - a. In the email, you should include as much information as possible, including your full name, your current address, your date of birth, the position applied for (X-61 of the application form), the organisation name (X-62 on the application form), the Registered Body number (Y-69 on the application form) and the DBS form reference (11 digits on the top right)
 - b. You should also include details of why you think the application is not eligible.

What the DBS will do

Once these details are received, the DBS will place the application on hold. They will contact the Registered Body (RB) to gain more information. The RB will not be informed that it is you that has queried the eligibility of the position. If the application has not yet reached the printing stage, the DBS will: -

1. Contact you to establish your details and get your consent to contact the RB.
2. Contact the RB (normally by letter) to establish eligibility
3. If eligibility remains in doubt after first contact, correspond with the RB and liaise with DBS policy officials when assessing the organisation's responses

If the DBS decide that the application is not eligible, the application will be stopped and the organisation notified. At this point, they will still have the option of undertaking a basic disclosure, if they feel that that's necessary.

If the DBS decide that the application is eligible, the application will continue. The DBS will contact you to inform you of this. You will have the chance to decide whether to withdraw your application or allow it to still be processed. If you allow it to still be processed, you should make sure that you disclose directly to the employer as soon as possible.