



Home Office

Direct Communications Unit
2 Marsham Street
London
SW1P 4DF

Tel: 020 7035 4848
Fax: 020 7035 4745
www.gov.uk/home-office

**[request-240558-
fc235320@whatdotheyknow.com](mailto:request-240558-fc235320@whatdotheyknow.com)**

15 December 2014

Dear Mr Proctor,

Freedom of Information request reference: 33586

Thank you for your email of 21 November, in which you ask the following questions in relation to the list of offences which can never be filtered from a criminal record certificate, which is available at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

1. Whether this is a definitive list of unfilterable offences?
2. If not, whether such a list exists?
3. If so, please provide a copy of the said list.
4. If no definitive list exists, an explanation as to why this is given that all possible criminal offences should be easily identifiable to your department?
5. If there is no definitive list but an alternative list to that which has been published on the government website, please provide a copy.

Your request has been handled as a request for information under the Freedom of Information Act 2000.

The response to your questions is as follows:

The legal definition of those offences which cannot be filtered is set out in The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013, which amended relevant parts of the Police Act 1997. The published list you refer to is intended to reflect those offences, and the Order referred to is publicly available at:

<http://www.legislation.gov.uk/ukdsi/2013/9780111537749/contents>

It is not practical to produce an entirely definitive list as it would have to include, for example, corresponding offences under foreign jurisdictions and common law offences which have been superseded by statute. The DBS process is intended to ensure that all relevant factors are considered. The filtering criteria take into consideration a number of factors, including the age of the applicant at the time an offence was committed, the length of time that has elapsed since the caution or conviction, the number of convictions and the nature of the sentence imposed.

Accordingly, there is no list of offences which are, in all circumstances, filtered.

You also ask whether there is an alternative list of offences which are not subject to filtering. A list is used by the Disclosure and Barring Service (DBS) which includes offences recorded against Police National Computer codes to inform the technical system which delivers the filtering functionality. A copy of this list is attached for your information. Both the publicly available list and the coded list are subject to review and updating.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 33586. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: info.access@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely
S. Baxter