# **Updates to the Rehabilitation of Offenders Act (ROA) and filtering rules from 28th October 2023**

The Disclosure and Barring Service (DBS) have announced changes to the Rehabilitation of Offenders Act (ROA) and amendments to the filtering rules that came into force from the 28th of October 2023. These changes and amendments affect what is disclosed on Basic, Standard and Enhanced checks.

## What is the Rehabilitation of Offenders Act?

The Rehabilitation of Offenders Act is a piece of legislation that governs the disclosure of individuals’ criminal convictions when doing a DBS check. It provides a legal framework for convictions to become “spent” after a specified period, allowing individuals with minor offences to move forward without disclosing their past convictions.

## Changes to the ROA

From the 28th October 2023, custodial sentences of over 4 years that are not already excluded (such as life sentences or sentences of imprisonment for public protection), will be able to become spent for the first time.

Additionally, the DBS have announced that the rehabilitation periods for some disposals/ sentences will be reduced. Examples include:

* Custodial sentences of more than 1 year and up to 4 years will now become spent 4 years after the end of the sentence
* Custodial sentences of up to 1 year will now become spent 1 year after the end of the sentence.
* Community Orders and Youth Rehabilitation Orders will now become spent at the end of the order.

**Exceptions**

These changes, however, do not extend to those who have been sentenced to more than 4 years of imprisonment after being convicted of any severe violent, sexual, or terrorist offences. Offences that are not included in the changes to the ROA are listed in Schedule[18 of the Sentencing Act 2020](https://www.legislation.gov.uk/ukpga/2020/17/schedule/18/enacted). These convictions will remain unspent and, consequently, will always be subject to disclosure.

## What are DBS filtering rules?

DBS filtering is the process that identifies which convictions will be disclosed on standard and enhanced Disclosures. Many minor convictions will be filtered from the DBS check 11 years after they became spent, or 5.5 years for youth convictions. There is a [list of specified convictions that will not be filtered](https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check)and include serious violent convictions or of a sexual nature.

DBS have updated their website with specific scenarios and the detail around the filtering rules too. This information can be found to be useful. I have included the specific page links below with a summary.

[DBS filtering guide](https://www.gov.uk/government/publications/dbs-filtering-guidance?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=1fc82987-73c5-4c73-8085-5501b633de09&utm_content=daily)

Filtering identifies and removes protected convictions and cautions so that they are not disclosed on a DBS certificate.

**Change made:**

Guidance has been updated to reflect legislative changes that have come into action from 28 October 2023.

[Filtering scenario guidance](https://www.gov.uk/government/publications/filtering-scenario-guidance?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=cc281ac0-6f74-400f-93ce-30e60c07b8b5&utm_content=daily)

Changes to the filtering rules that came in to force on October 28 2023, the following page explains the potential impact on DBS customers:

**Change made:**

First published.

[Filtering rules for DBS certificates](https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=e26e6153-e28d-4406-9943-87dedc06b38a&utm_content=daily)

Filtering rules for certain cautions and convictions that can be removed from a DBS certificate.

**Change made:**

Updated filtering guidance in line with legislation changes.

[Rehabilitation Periods](https://www.gov.uk/guidance/rehabilitation-periods?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=39f16687-482e-4e6f-9ea6-0dfcf3cf22f8&utm_content=daily)

A table of rehabilitation periods for the most common sentences and disposals, and example scenarios.

**Change made:**

Guidance has been updated to reflect legislative changes that have come into force from 28 October 2023.