

CRB Checks: Eligible positions guidance

Under the Rehabilitation of Offenders Act 1974 a person with a criminal record is not required to disclose any spent convictions unless the position they are applying for, or are currently undertaking, is listed as an exception under the Act.

Before an organisation considers asking a person to make an application for a Standard or Enhanced Level CRB Check they are legally responsible for ensuring that they are entitled to ask that person to reveal their conviction history.

The positions listed below represent the professions, offices, employments, work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974. This is not an exhaustive list but identifies those roles/positions that are commonly submitted by organisations seeking CRB checks. Organisations registered with the CRB can only countersign an application for a CRB Check if the position is included in this list. Please note that the Eligibility Code is used by CRB as a reference point for dealing with enquiries about CRB Check Eligibility. The links provided will take you to the relevant schedule within the act.

If you are unsure about whether a position is eligible for a CRB Check you should refer to any guidance provided for the job sector, consider obtaining legal advice or contact one of the organisations such as NACRO, Unlock or Apex Charitable Trust who provide independent advice on the requirements to obtain criminal records. You can also contact CRB for advice and guidance via email at customerservices@crb.gsi.gov.uk providing the job specification and the roles and duties of the position.

Eligibility criteria	Eligibility Code
Any work which is defined as regulated activity relating to children within the meaning of www.legislation.gov.uk/ukpga/2006/47/schedule/4	01
Any work which is defined as regulated activity relating to vulnerable Adults within the meaning of www.legislation.gov.uk/ukpga/2006/47/schedule/4	02
Any office or employment which is concerned with: (a) the provision of care services to vulnerable adults; (b) the representation of, or advocacy services for, vulnerable adults by a service that has been approved by the Secretary of State or created under any enactment; and which is of such a kind as to enable a person, in the course of his normal duties, to have access to vulnerable adults in receipt of such services	03
Any work in a further education institution where the normal duties of that work involve regular contact with persons aged under 18	04
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of persons under 18	05
Any position which otherwise involves regularly caring for, training, supervising or being solely in charge of vulnerable adults within the meaning of section 59 of the	06

Safeguarding Vulnerable Groups Act 2006	
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The following criteria refer to all professions that are exempt from the provisions of the ROA.

Eligibility criteria	Eligibility Code
Medical Practitioner	07
Barrister (in England and Wales), solicitor.	08
Chartered accountant, certified accountant.	09
Dentist, registered dental care professional.	10
Veterinary surgeon	11
Nurse, midwife	12
Optometrist, dispensing optician	13
Registered Pharmacists & Registered Pharmacy Technicians	14
Any profession to which the (Health Professions Order 2001) applies and which is undertaken following registration under that Act.	15
Registered osteopath	16
Registered chiropractor	17
Actuary	18
Registered foreign lawyer	19
Legal executive	20
Receiver appointed by the Court of Protection	21

The following criteria refer to all offices, employments and work that are exempt from the provisions of the ROA 1974.

Eligibility criteria	Eligibility Code
Judicial appointment	22
The Director of Public Prosecutions and any office or employment in the Crown Prosecution Service.	23
Designated officers for magistrates courts, for justices of the peace or for local justice areas, justice clerks, and assistants to justices' clerks.	24
Clerks (including deputy and assistant clerks) and officers of the High Court of Justiciary, the Court of Session and the district court, sheriff clerks (including sheriff clerks deputy) and their clerks and assistants.	25
Police constables or persons appointed as police cadets and persons employed for the purposes of assisting constables of a Police Force established under any enactment; naval, military and air force police.	26
Any employment within the precincts of a prison, remand centre, removal centre, short	27

Eligibility criteria	Eligibility Code
term holding facility, detention centre, Borstal institution or young offenders institution, and members of boards of visitors (England & Wales).	
Traffic wardens	28
Probation officers	29
Any employment or other work which is concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons in receipt of such services in the course of his normal duties.	30
Financial Services position – This means all positions for which the Financial Services Authority or the competent authority for listings are entitled to ask exempted questions to fulfil their obligations under the Financial Services and Markets Act 2000.	31
<p>Any occupation which is concerned with:</p> <ul style="list-style-type: none"> • the management of a place in respect of which the approval of the Secretary of State is required by section 1 of the Abortion Act 1967 or, • in England and Wales carrying on a nursing home in respect of which registration is required by Section 187 of the Public Health Act 1936 or Section 14 of the Mental Health Act. 	32
Any employment in the Royal Society for the Prevention of Cruelty to Animals (the RSPCA) where the person employed or working who, as part of his duties, may carry out humane killing of animals.	33
Any office or employment or other work in the Serious Fraud Office.	34
Any office or employment in the Serious Organised Crime Agency, [SOCA].	35
The Commissioners for Her Majesty’s Revenue and Customs and any office or employment in their services. The Director and any office or employment in the Revenue and Customs Prosecutions Office.	36
Any employment which is concerned with the monitoring for the purposes of child protection, of communications by means of the internet.	37
An individual designated under section 2 of the Traffic Management Act.	38
<p>Court Positions</p> <ul style="list-style-type: none"> • Judges’ clerks, secretaries and legal secretaries within the meaning of section 98 of the Supreme Court Act 1981(c). • Court officers and court contractors, who in the course of their work, have face to face contact with judges of the Supreme Court, or access to such judges’ lodgings. • Persons who in the course of their work have regular access to personal information relating to an identified or identifiable member of the judiciary. • Court officers and court contractors, who, in the course of their work. Attend either the Royal Courts of Justice or the Central Criminal Court. • Court security officers, and tribunal security officers. 	39

Eligibility criteria	Eligibility Code
<ul style="list-style-type: none"> • Court contractors, who, in the course of their work, have unsupervised access to court-houses, offices and other accommodation used in relation to the courts. • Contractors, sub-contractors, and any person acting under the authority of such a contractor or sub-contractor, who, in the course of their work, have unsupervised access to tribunal buildings, offices and other accommodation used in relation to tribunals. <p>The following persons –</p> <p>a) Court officers who execute county court warrants b) High Court enforcement officers c) sheriffs and under-sheriffs d) tipstaffs e) any other persons who execute High Court writs or warrants who act under the authority of a person listed at (a) to (d) f) persons who execute writs of sequestration; g) civilian enforcement officers as defined in section 125A of the Magistrates Courts Act 1980; h) persons who are authorised to execute warrants under section 125B (1) of the Magistrates Courts Act 1980, and any other person (other than a constable) who is authorised to execute a warrant under section 125 (2) of the 1980 Act; i) persons who execute clamping orders, as defined in paragraph 38(2) of Schedule 5 of the Courts Act 2003(d)The Official Solicitor and his deputy.</p> <ul style="list-style-type: none"> • Persons appointed to the office of Public Trustee or deputy Public Trustee, and officers of the Public Trustee. • Court officers and court contractors who exercise functions in connection with the administration and management of funds in court including the deposit, payment, delivery and transfer in, into and out of any court of funds in court and regulating the evidence of such deposit, payment, delivery or transfer and court officers and court contractors, who receive payment in pursuance of a conviction or order of a magistrates' court. 	
<p>People working in the Department For Education, or in the government Offices for the English Regions with access to sensitive or personal information about children or vulnerable adults.</p>	40
<p>Any office, employment or other work which is concerned with the establishment or operation of a database under section 12, of the Children Act 2004 , and which is of such a kind as to enable the holder of that office or employment, or the person engaged in that work, to have access to information included in the database.</p>	41
<p>Any office, employment or other work which is of such a kind that the person is or may be permitted or required to be given access to a database under section 12 of Children Act 2004.</p>	42
<p>Any work which is normally concerned with the provision of any form of information,</p>	43

Eligibility criteria	Eligibility Code
advice or guidance wholly or mainly to children which relates to their physical, emotional or educational well-being and is provided by means of telephone or other form of electronic communication including the internet and mobile telephone text messaging.	
Any employment or other work, where normal duties (a) involve caring for, training, supervising, or being solely in charge of, persons aged under 18 serving in the naval, military or air forces of the Crown; or (b) include supervising or managing a person employed or working in a capacity referred to in paragraph (a).	47
The Chairman, other members, and members of staff (including any person seconded to serve as a member of staff) of the Independent Safeguarding Authority (formally Independent Barring Board).	48
Staff working within the Public Guardianship Office (to be known as the Office of the Public Guardian from October 2007) with access to data relating to children and vulnerable adults.	49
The Commissioners for the Gambling Commission and any office or employment in their services.	50

The following criteria refer to other activities for which you are entitled to ask a question that is exempted from the provisions of the ROA 1974

Category type	Eligibility Code
A person living at the premises where a childminding or day care service is provided or who regularly works on the premises at a time when the childminding takes place.	51
A person living in the same household as a person whose suitability is being assessed for a position working with children and who lives on the same premises where their work with children would normally take place.	52
For National Lottery licensing purposes.	53
For adoption purposes.	54
For foster caring purposes.	55
For the award of public works contracts, public supply contracts and public service contracts in accordance with Directive 2004/17/EC and 2004/18/EC of the European Parliament and of the Council of March 2004(a).	56
Football Stewards, supervisors or managers of football stewards.	57
Approved legal Services body Manager.	58
The Commissioners for older people in Wales, his deputy and any people appointed by the Commissioner, to assist him in the discharge of his functions or authorised to discharge his functions on his behalf.	59
Any employment or other work which is normally carried out in premises approved under section 9 of the Criminal Justice and Court Services Act 2000.	60

Category type	Eligibility Code
Any person who has applied to be granted membership of the Master Locksmith Association.	61
A regulated immigration adviser who provides immigration advice or immigration services under Section 82(1) of the Immigration & Asylum Act 1999(a). This also applies to persons who can act on behalf of and under the supervision of such a registered person.	62

The following positions appear in schedule 2 of the exceptions order under Licences

Category type	Eligibility Code
For the purpose of licensing hackney carriages or private hire vehicle drivers (Taxi driver licenses).	63
For licences issued under Section 25 of the Children's & Young Persons Act 1933 (This relates to persons under the age of 18 travelling abroad for the purpose of performing or being exhibited for profit).	64
For the purpose of licensing under Section 8 of the Private Security Industry Act 2001.	65
Any person or body required to obtain or retain a licence under regulation 5 of the Misuse of drugs regulations 2001 (a) or under article 3 (2) of regulation 2004/273/EC(b) or under article 6 (1) of regulations 2005/111/EC(c).	66

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