



## **Criminal record checks: who pays?**

A report on the cost-of-working published by UNISON, on the impact of workers having money taken from their wages to pay for essential criminal records checks.



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## About UNISON

UNISON is the UK's largest union with more than 1.3 million members providing public services in education, local government, social care, the NHS, police service and energy. They are employed in the public, voluntary and private sectors.

## Acknowledgements

This is a UNISON report written by Anna Birley and Haifa Rashed in November 2023.

UNISON and the authors would like to thank the members from the across the UK who shared their experiences of paying for criminal record checks. To protect the privacy of individuals quoted, names have been changed. This report was made possible thanks to the support of UNISON's Campaign Fund. For more information on the Campaign Fund and how to get involved, please see [www.unison.org.uk/about/our-organisation/political-affiliations-and-support/our-political-funds/](http://www.unison.org.uk/about/our-organisation/political-affiliations-and-support/our-political-funds/)

## Foreword

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I am a support worker at Community Connex in Harrow. I run Saturday sessions for young people in the community who have learning disabilities.

When I enrolled as a support worker in 2020, Community Connex asked me to sign a piece of paper that said I would cover the cost of my Disclosure and Barring Service (DBS) check. A DBS check is important and ensures you are suitable to work with children or vulnerable adults. However, I was shocked that I was expected to foot the bill and that the cost would be deducted from my first two payslips. I wasn't getting a criminal record check for my own benefit, but so that Community Connex could meet its legal requirement to protect the vulnerable young people it supports.

Speaking to colleagues about the DBS charge, it quickly became clear that we all felt the same way. Criminal record checks are important for keeping people safe, but we did not think it was fair or right that we were expected to pick up the bill for them. It seemed ridiculous that we were effectively paying to work.

One colleague told me that the DBS deduction meant money was tighter that month. For me, losing £20 from my first two wage slips effectively halved my take-home pay as I was only working a couple of shifts when I first started. With my hourly pay at around £10 I was working for free for four hours.

Social care work is hugely rewarding. I wouldn't want to do anything else. We desperately need more people to work in the sector to ensure young people receive the best service possible. But to achieve this, we need to offer incentives not put up barriers.

Not long ago, people stood on their doorsteps clapping and showing their appreciation for frontline staff. But it is those staff who are most likely to be forced to pay hidden costs of working like paying for criminal record checks.

Wages are not high and many in social care feel that their work is underappreciated. Charging employees for criminal record checks is not only incredibly unfair, but makes no sense when there are staff shortages across social care and the NHS.

What motivated me to get move involved in UNISON and start this campaign is a belief in fairness. We need to fight for better and fairer pay and conditions and to stand up against poverty premiums, such as employers passing on the cost of criminal records checks to their staff.

**Jordan Creed**

**Branch secretary of the London Community and Voluntary branch**

## Executive summary

Almost two and a half million frontline public service workers have money taken from their wages to pay for criminal records checks.

While the employer is legally responsible for ensuring patients and the public are safe, many are pushing this responsibility – and cost – onto their staff. New research from UNISON shows that two in five frontline workers in roles requiring criminal records checks are forced to pay for their own checks by their employers.

The research found that who has to pay the charge and how much is a lottery. Some employers do the right thing and fulfil their legal duty to carry out checks by paying for the service. However, many employers - despite recruiting for the same roles and having the same budgetary constraints - pass the costs onto their staff.

How much staff are charged varies from employer to employer too. Some are charged admin fees on top of the government's published charges, while others are forced to pay handling fees with umbrella bodies who often extract a profit for processing the checks on the employer's behalf.

The workers most likely to lose out in this lottery are women, those in the lowest paid jobs and overseas workers.

- More than seven in ten (74%) people who need criminal records checks for their jobs are women.
- More than four in five (85%) people requiring checks earn below the average wage in the UK.
- Overseas workers complain they are charged double as they need additional checks from abroad or extra ID validation.

Public services are in the depths of a recruitment and retention crisis. Yet, instead of trying to hold onto frontline staff and removing barriers to hiring more, employers are putting up financial barriers.

Around seven in 10 (69%) workers said they would be put off applying for a job that requires them to pay for their own checks. Charging staff can also be a barrier to progression. Respondents said they have delayed moving to new roles within their organisations because they had to pay for another check, even when their existing one was still valid.

For too many workers, these charges are simply unaffordable. Low paid public service workers are already struggling to make ends meet after 13 years of below inflation pay and a cost-of-living crisis with no end in sight.

Many rely on payday loans, foodbanks and second jobs to cover their rising costs of living. They shouldn't have to suffer a cost-of-working crisis on top of that. Money docked from their pay is money they don't have spare. If paying for a check is a condition of starting a new job, workers are expected to be of pocket by paying for it upfront, or work for free as the money is deducted from their wages.

The solutions are simple.

- Employees should not be responsible for paying for criminal records checks. Westminster and devolved governments should waive the fee for all applicants providing "regulated activities"<sup>1</sup> in public services. This happened in the pandemic to ensure public services could quickly hire the staff they needed and should be reintroduced.
- New legislation is required so employers cannot pass essential costs of working onto their staff.
- Checks should be easily portable to stop applicants having to apply for new certificates when they move jobs. This would also to ensure employers have the most up to date information available to them and help keep the communities they serve safe.

<sup>1</sup> According to the government, a regulated activity is one "that the Disclosure and Barring Service can bar people from doing" (see: [www.gov.uk/government/publications/new-disclosure-and-barring-services](https://www.gov.uk/government/publications/new-disclosure-and-barring-services)) It is a criminal offence for a barred person to seek to work, or work in, activities from which they are barred. It is also a criminal offence for employers or voluntary organisations to knowingly employ a barred person in regulated activity. Regulated activities include almost all work with children, and certain work with adults including providing healthcare, providing personal care, providing social work support, assisting someone who can't manage themselves because of disability such as managing money and doing shopping, taking on powers of attorney or advocacy, transporting people between appointments who are unable to because of their health, age or disability, or supervising anyone who carries out these tasks.

## About criminal records checks

Provided they have a lawful basis for asking, employers have the right to check the criminal record of someone applying for a role in their organisation. Used correctly, these checks can help employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups.

In England and Wales, these are called Disclosure and Barring Service (DBS) checks, and they can disclose any convictions or other relevant information, depending on the type of check requested. These checks are undertaken by Disclosure Scotland in Scotland and Access NI in Northern Ireland.

Employers are only legally required to ensure that any employee working in a “regulated activity” as defined in the Safeguarding Vulnerable Groups Act 2006 and 2012 (and in Northern Ireland the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007) with children or vulnerable adults has not been barred from doing so. However, provided the employer is legally entitled to ask, many require their workers to undergo checks as part of their recruitment procedure.

For most jobs, employers may only ask about unspent convictions as part of a basic check. However, in some cases the employer has a right to a more detailed check on a worker’s criminal record when they hire them.

### Types of checks

<b>Basic check</b>	shows unspent convictions and conditional cautions.
<b>Standard check</b>	shows spent and unspent convictions, cautions, reprimands and final warnings.
<b>Enhanced check</b>	shows the same as a standard check, plus any information held by local police that’s considered relevant to the role.
<b>Enhanced check with barred lists</b>	shows the same as an enhanced check, plus whether the applicant is on the list of people barred from doing “regulated activity” with children or adults. In Scotland, this is a Protecting Vulnerable Groups (PVG Scheme certificate).

## How much does it cost and who pays?

There is a charge for every criminal record check and the cost varies depending on the level of check required. A basic check starts at £18 in England and an enhanced one in Scotland is £59. Although criminal records checks don’t have an expiry date, certain sector-specific guidelines require them to be renewed at regular intervals. In the NHS, for example, this is every three years.

In England and Wales, the DBS Update Service offers an online subscription for £13 a year. It allows people to keep their certificates up-to-date and employers to check certificates online. There is a similar scheme in Scotland for its highest level of checks.

### Criminal records and barring service costs

	England and Wales	Scotland	Northern Ireland
<b>Basic DBS check/ Basic disclosure</b>	£18	£25	£18
<b>Standard DBS check/ Standard disclosure</b>	£18	£25	£18
<b>Enhanced DBS check</b>	£38	£25	£33
<b>Protecting Vulnerable Groups (PVG) scheme/ Enhanced with barred lists</b>	£38	£59	N/A
<b>DBS update service</b>	£13	N/A	N/A
<b>PVG scheme record update</b>	N/A	£18	N/A

However, many of these costs are not what an employee is charged. Only the basic check can be obtained directly from the government service. The others must be obtained via a registered body or umbrella agency.

Employers that submit more than 100 checks per year can be registered bodies, allowing them to apply for the more enhanced checks directly. They pay £300 per year to be a registered body and a £5 fee for every counter signatory (the person within the organisation that signs to say that the role definitely meets the requirements for a check). Some employers pass these costs, and the admin costs, onto the employees using their own in-house service.

Employers who are not registered bodies themselves must use an umbrella body. This is a (usually) private company that, by having multiple clients using their service, hits the 100 checks per year minimum requirement set by the government service. Umbrella bodies charge more than the fee listed on the government's website because they include a costs, profit and VAT.

Umbrella bodies vary. Some offer special services like Welsh language or overseas recruitment. Some are charities or membership bodies that offer additional services to their members, while others purely conduct criminal records checks.

## Case studies – umbrella bodies

### Association for Real Change (ARC)

“ARC is the UK membership organisation for providers of services to people with a learning disability. A charity, founded in 1976, we have a growing national membership of service provider organisations. The ARC Disclosure Service was set up to provide a Disclosure Service for member organisations. However we also offer our service to non-ARC member organisations/homes within the Health & Social Care Sector.”

Charges: £18 standard check/ £38 enhanced check plus £12 handling fee

### Acorn Direct

“We work closely with clients from voluntary, community, private and commercial sectors, offering a cost effective service that takes the hassle out of applying for a Disclosure and ensures safe recruitment and selections decisions. We are not limited to certain sectors and can process applications for any organisation. Our client base spans the whole of the UK and we can provide a service for both paid staff and volunteers in all fields of work.”

Charges: £18 standard check/ £38 enhanced check plus £22 handling fee

### Terraquest Solutions Ltd

“TerraQuest's AuthentiQuest service is a secure online solution that allows organisations to electronically submit applications to DBS and Disclosure Scotland to perform criminal record checks on job applicants and employees. The system is securely linked to the Disclosure and Barring Service for Basic, Standard, Enhanced Checks and Volunteer checks. AuthentiQuest also supports Route 2 external verification checks.”

Charges: £18 standard check/ £38 enhanced check plus handling fee between £4 for 1,000 or more applicants and £10 for fewer than 100 checks.

### Agenda Resource Management Limited

“e bulk/ e brokerID Validation/ On-line Access/ Support/ Tracking”

Charges: £18 standard check/ £38 enhanced check plus £19.73 handling fee

### Advisory PVG

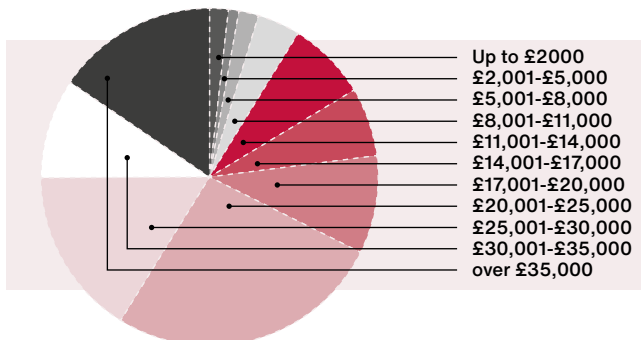
“Advisory PVG, based in East Lothian in Scotland, has been registered since 2011 as an Umbrella Body with Disclosure Scotland. This means we can countersign and process Protecting Vulnerable Groups Checks on behalf of employers and organisations, and you don't have to register your organisation with Disclosure Scotland. We can answer your questions about the process and who qualifies – please ask, and we'll be happy to help.”

Charges: Standard Scottish government fees plus £20 handling fee per application

## Data deep dive – who needs a criminal records check?

Between June and August 2023, UNISON surveyed 10,950 public service workers. Around half (56.4%) worked in the NHS. The others worked for a charity or non-profit organisation (11.8%); in social care (11.3%); in a school (6.9%); in a university (4.2%); for a private company contracted by a public body (3.2%); in local government (2.8%); for a housing association (2.6%); or in a further education institution (0.7%).<sup>2</sup>

The research found that staff who need criminal records and barring certificates typically earn a lower-than-average salary. The mean pay for full-time employees in the UK is currently £34,963,<sup>3</sup> while 75% of those surveyed who require checks earn below £30,000 p.a.<sup>4</sup>



This finding reflects the types of jobs that require a criminal record and barring check – those in direct contact with vulnerable groups and children are likely to be frontline delivery roles, rather than managerial or office-based roles. For example, this could be jobs like social care, supporting vulnerable adults and children, teaching assistants, childminders & early years practitioners, youth workers, and patient-centric roles in hospitals such as nurses, cleaners, porters, & clinical assistants. These jobs are typically lower paid – a clinical assistant on NHS salary band 2, for example, earns £22,383.

<sup>2</sup> For the full survey results, see: [www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf](http://www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf)

<sup>3</sup> Median annual earnings for full-time employees in the United Kingdom from 1999 to 2023 [www.statista.com/statistics/1002964/average-full-time-annual-earnings-in-the-uk/](https://www.statista.com/statistics/1002964/average-full-time-annual-earnings-in-the-uk/)

<sup>4</sup> For the full survey results, see: [www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf](http://www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf)

**“I can’t understand why we should pay for it when our employer needs it. I understand why we have to have the checks and fully agree with that because it helps protect the people I care for. But it’s not right the employee has to pay as we aren’t exactly on a good wage anyway.”**

**Marisa, a clinical assistant at a community health services provider in Nottingham**

This is also a gender issue as the majority of these roles are undertaken by women. UNISON’s survey found that almost three-quarters (74%) of jobs requiring criminal records checks in health, social care, education, and local government are done by women.<sup>5</sup> The problem is even more acute Black women who are overrepresented in low paid and insecure roles.<sup>6</sup> There is also a disproportionate effect on disabled workers who are overrepresented in low-paid work.

**“I have worked in the NHS for over 11 years and recently got a new job within the health service. I received an email saying I would have to pay an annual fee for my DBS check and that I should give my bank details to set the payment up so that it was a smooth transition. I work part-time as I am disabled.”**

**Leanne, an NHS worker in Yorkshire**

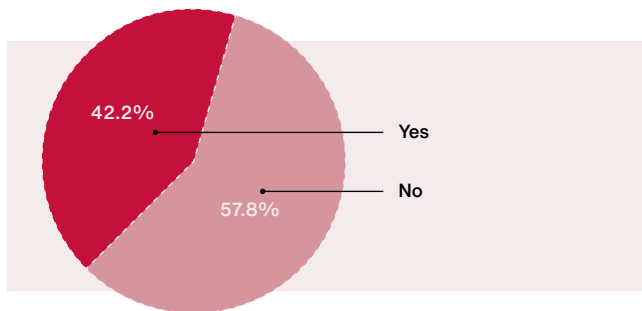
<sup>5</sup> For the full survey results, see: [www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf](http://www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf)

<sup>6</sup> BME women and work: TUC equality briefing, 26 October 2020 [www.tuc.org.uk/research-analysis/reports/bme-women-and-work](http://www.tuc.org.uk/research-analysis/reports/bme-women-and-work)



## Staff forced to pay for their own checks

Over **two in five** (42%) frontline staff in roles requiring criminal records checks were required to pay for their last criminal records check.<sup>7</sup> This means almost two and a half million essential workers were left out of pocket because of their job.<sup>8</sup>



Most of these workers had to pay for the more expensive enhanced check (54%), while around one in five (19%) were charged for the regular update service (£13 a year) as an ongoing cost.<sup>9</sup>

Many employers do pay the costs of a criminal record

<sup>7</sup> For the full survey results, see: [www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf](http://www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf)

<sup>8</sup> The estimated number of public service workers who are made to pay for their own criminal records and barring checks is 2,295,789 out of an estimated 5,600,324 public service workers (42% as per UNISON's survey results) who require criminal record and barring checks. Total number of checks is calculated as the sum of checks by the Disclosure and Barring Service in England and Wales, Disclosure Scotland in Scotland and AccessNI in Northern Ireland. Estimated number of public workers requiring checks has been calculated based on Home Office statistics suggesting that 80% of checks are for public service workers equating to 5,600,324 workers [webarchive.nationalarchives.gov.uk/ukgwa/20130605075729mp\\_/http://www.hmrc.gov.uk/thelibrary/tiin-txr-dis-barring.pdf](http://www.webarchive.nationalarchives.gov.uk/ukgwa/20130605075729mp_/http://www.hmrc.gov.uk/thelibrary/tiin-txr-dis-barring.pdf)

Figure for England and Wales based on the Disclosure and Barring Service 2020-2025 strategy (see [www.gov.uk/government/publications/dbs-2025-strategy/dbs-2020-25-strategy](http://www.gov.uk/government/publications/dbs-2025-strategy/dbs-2020-25-strategy)) stating that the service issued 6 million certificates in 2019. Figures for Scotland are based on the Disclosure Scotland 2022 Annual Report and Accounts (see [www.mygov.scot/binaries/mygov/browse/working-jobs/finding-a-job/disclosure/documents-disclosure-scotland/corporate/disclosure-scotland-annual-report-and-accounts/Annual+Report+and+Accounts+2021+to+2022.pdf](http://www.mygov.scot/binaries/mygov/browse/working-jobs/finding-a-job/disclosure/documents-disclosure-scotland/corporate/disclosure-scotland-annual-report-and-accounts/Annual+Report+and+Accounts+2021+to+2022.pdf)) stating that the service received 624,000 applications that year. Figures for Northern Ireland are based on the AccessNI Performance and Activity Report stating that the service processed 176,324 checks (see [www.justice-ni.gov.uk/sites/default/files/publications/justice/AccessNI%20Statistical%20Performance%20Booklet%20202223%20Final.pdf](http://www.justice-ni.gov.uk/sites/default/files/publications/justice/AccessNI%20Statistical%20Performance%20Booklet%20202223%20Final.pdf))

<sup>9</sup> For the full survey results, see: [www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf](http://www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf)

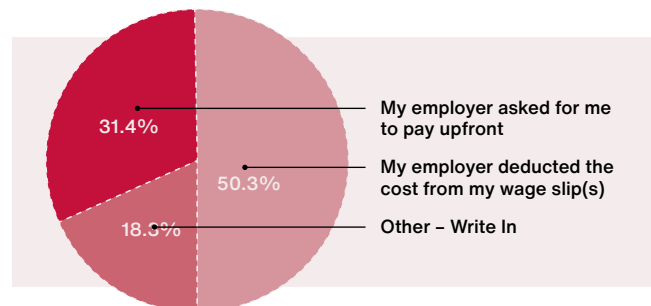
check or the update service to ensure their employees are able to undertake the roles they're hired to do. After all, it is the employer's legal duty to ensure that staff undertaking regulated activities can safely do so: public protection is an employer's, not an employee's, responsibility. It is in the employer's interest to ensure they are hiring the appropriate staff and meeting their legal requirements.

However, some employers attempt to cut costs by making staff pay for their own checks. For public bodies like councils, schools, or hospitals, this could be the employer trying to pass wider government cuts onto their staff. In charities and non-profits, cost cutting may be an attempt to balance the books in a deeply underfunded sector. On the other hand, it is possible that some employers simply charge their employees because they can. For example, in private companies contracted to deliver public services, cost cutting by passing costs onto employees may be part of wider attempts to maximise profits.

For example, previous UNISON research found that over a fifth (22%) of health trusts and boards do not pay for the DBS check for their staff.<sup>10</sup>

Half of staff (50%) who had to pay for their own checks had the fee deducted from their pay slips and three in 10 (31%) were asked to pay for it upfront. Others said that they paid it directly via direct debit or renewing manually, without going through their employer.<sup>11</sup>

Some respondents said that, while their employer paid for some of the checking service, they were expected to cover the costs of things like getting their ID validated at the Post Office as part of the application.



<sup>10</sup> UNISON's Disclosure and Barring Service – branch briefing 2019 [www.unison.org.uk/content/uploads/2019/02/HC-020-19-DBS-charges-attachment.pdf](http://www.unison.org.uk/content/uploads/2019/02/HC-020-19-DBS-charges-attachment.pdf)

<sup>11</sup> For the full survey results, see: [www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf](http://www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf)

## Threats

There can be serious professional consequences for staff who do not pay for their initial check or for it to be updated on time. Some respondents complained of delays starting a new role, while others said that they had been suspended from work if they hadn't been able to pay for the update, or if there had been any delays in their check being processed.

**“I was taken off shift when I didn't pay for my own update. This would have been unpaid, which I couldn't afford, so I used up my annual holiday allowance to try and avoid losing money. I wasted my annual leave for something that I should have been spared from because it should be the employer's responsibility.”**

**Valentina, a social carer in Northern Ireland**

**“When I first started, my employer told me that they would pay for the first check then after that it was up to me. I was advised that the subscription method was the easiest and cheapest way. Even though I did this, I still got threatening messages asking me to bring my certificate in to show them. I was told that if I didn't, I could be suspended from work.”**

**Michael, a support worker at a charity that helps people with additional care needs in Manchester**

**“I have to renew my check every 12 months. You get threatened with being fired if you don't renew it”**

**Luke, a paramedic in Barnsley**

## Overseas workers

Staff from other countries, or those who have spent significant time overseas, often encounter additional costs and complications. The UK's criminal records checking services only retrieve UK records meaning overseas staff have to also apply to their own countries' versions of a DBS check. Depending on the applicant's country, fees vary and tend not to be covered by employers. As a result, overseas workers are often even more out of pocket.

**“The check cost me money that was never refunded. Then my employer said I had to get another DBS from Australia as I had lived there for two years. That meant I had to pay around £150 extra. I didn't get that refunded either.”**

**Luke, an Ambulance worker in Kent**

**“I had to pay for my DBS check and a police check from Australia as I lived there for over a year. This massively delayed me starting my job and getting paid.”**

**Tara, an NHS worker in Merseyside**

**“I paid for it twice over. I moved countries to start this job, which was quite a difficult experience all round. DBS checks in my country are provided by the organisation you work for and tailored to company needs, so it was something of a shock to have had to pay for it in my home country and then for an update in the UK. As a new starter, the DBS check and update service was essential for my job.”**

**Laura, an NHS worker in the North West**

## Bank staff

An NHS staff bank is an organisation that contracts healthcare professionals to take on additional shifts to cover things like unfilled vacancies, sickness, increased patient demand or other staffing needs. It is often entirely managed by an NHS trust, though sometimes it is managed via a third party that contracts healthcare workers on their behalf.

NHS trusts rely on temporary bank staff to deliver patient care and keep the hospital running. In addition to bank staff who only take on temporary shifts, some NHS employers make substantive staff work on a bank contract when doing overtime or additional hours.

A bank contract is essentially a zero-hours contract which allows a worker to undertake periods of work with an NHS employer. The contracts are designed so that the worker is under no obligation to take work and the employer is under no obligation to provide work.

Only during a period of agreed work does the employer offer an employment relationship. Once the period of work finishes the person is no longer considered a worker by the employer. There is no national bank contract so all contracts are a local set of terms offered by each NHS employer to its workers.

The benefit of a bank contract is the flexibility that some workers may want and hospitals need. However, it is clear that there are some risks for staff – such as insufficient work, no sick pay and sometimes no way to raise grievances.

Feedback received as part of this report revealed that in some trusts bank staff face additional costs to do their jobs, which permanent staff are reimbursed for.

This means bank staff are paying for their own checks out of pocket, while their peers undertaking similar activities on permanent contracts have them paid for by the trust.

**“I think it is wrong that bank staff have to pay for this, especially when staff who have a permanent position get it paid for.”**

**Jackie, a bank nurse in Greater Manchester**

Using bank staff and agencies is not unique to the NHS. This also appears to be an issue for bank and agency staff in social care who use zero-hours contracts to create their own staff banks to fill gaps flexibly.

**“The company I work for always asks bank staff to pay for their own DBS, whereas full-time staff don’t have to pay. Moreover, we need to pay in advance and inform them that we’ve done so before the application is processed. One time, I was suspended and unable to work for nearly one month because the DBS service lost my proof of identification which delayed my application. I went through lot of stress and needed to find money I had not budgeted for. This was my only job at the time and I was unable to work until the new DBS came through. I have learnt not to rely on one job in case something like this happens again. I asked my employer why they treat us differently and want us to pay for our own DBS. But I didn’t get a reply.”**

**Stella, a support worker at a company that provides specialist support and accommodation to vulnerable adults in London**

**“I am bank staff on a zero-hours contract, so I have to pay for my own DBS. Permanent staff get their DBS fee refunded once they’ve completed their probation period. I have chosen to subscribe to the update service myself as I had multiple jobs so would have found myself paying multiple times otherwise.”**

**Victoria, a social care worker in the West Midlands.**

## **Transgender staff**

Additional challenges and charges can exist for transgender staff. Some respondents said they were expected to obtain new certificates after transition, which resulted in them paying twice. A sensitive applications route offering a confidential service in accordance with the Gender Recognition Act 2004, does exist for transgender applicants and gives them the choice not to have any gender or name information disclosed on their certificate that reveals their previous gender identity. However, there appears to be a lack of understanding with some employers about what is or isn’t appropriate.

**“I’m transgender so not only did I have to pay for my DBS and the update service, but I had to get a new DBS in my new name. So I had to pay twice just to get and keep my job.”**

**Oliver, an NHS worker in Manchester**

**“Not only was I charged for the check like everyone else, but my employer then refused to release the DBS to my line manager because it disclosed my birth name, which delayed me starting my job.”**

**Robin, an NHS worker in Devon**

## Recruitment and retention

Public services in the UK are suffering a recruitment and retention crisis. In local government, a third of local authorities lack sufficient staff with the appropriate skills and qualifications to run services properly.<sup>12</sup> An estimated 8.5% of social care posts are vacant<sup>13</sup> and NHS vacancies in England reached a record high last winter.<sup>14</sup>

There are many reasons behind the crisis. Pay is failing to keep pace with prices and other sectors such as retail are offer higher wages with lower responsibility and less stress. Charging public service workers to do their job is not going to help the problem. Every work-related expense is a de facto pay cut.

### Barriers to recruiting staff

The evidence shows that passing costs onto employees is something workers consider when looking for a job. UNISON's survey found that over two-thirds (69%) of workers<sup>15</sup> would be put off applying for a job if they had to pay for their own criminal record check.

**"I worked for the NHS for over 34 years. When I retired, I applied to join the hospital trust's midwife bank. I was asked to pay for my own DBS, so I refused and joined a private agency instead who paid for it."**

**Philomena, a midwife at a private healthcare contractor in Burnley**

<sup>12</sup> Solace is a membership body for local government leaders.

<sup>13</sup> 'Spending Review must address local government workforce crisis', Solace, 29 September 2021 [www.solace.org.uk/news\\_and\\_press/spending-review-must-address-local-government-workforce-crisis/](http://www.solace.org.uk/news_and_press/spending-review-must-address-local-government-workforce-crisis/)

<sup>14</sup> 'Vacancy rates', Skills for Care workforce intelligence, September 2023 [www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/publications/Topics/Monthly-tracking/Vacancy-rates.aspx](http://www.skillsforcare.org.uk/Adult-Social-Care-Workforce-Data/Workforce-intelligence/publications/Topics/Monthly-tracking/Vacancy-rates.aspx)

<sup>15</sup> 'Government must act decisively to save the NHS', UNISON, December 2022 [www.unison.org.uk/news/2022/12/government-must-act-decisively-to-save-the-nhs/](http://www.unison.org.uk/news/2022/12/government-must-act-decisively-to-save-the-nhs/)

<sup>16</sup> For the full survey results, see: [www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf](http://www.unison.org.uk/content/uploads/2023/11/Disclosure-checks-summary-of-results.pdf) - 68.9% of those who indicated they did not have to pay for checks in their current role said they would be put off applying for other roles which did require them to pay.

**"It's not great that the cost of a DBS is deducted from new starters' first wage, especially as it is a mandatory condition of their role. It's really off-putting and some staff struggle as they are already covering travel costs and other expenses upfront before they get their first wage. There are people in similar roles in our network who don't have to pay for a DBS check."**

**Andrea, a member of admin staff at a further education college in Greater Manchester**

**"Given that I have worked here for almost 20 years, I find it quite frustrating that I had to pay for this. We are so short staffed in my team. If the hospital is serious about trying to recruit then it should cover the cost of checks."**

**Jessica, a nurse in Yorkshire**

**"It is not fair to charge staff for these checks. The company wanting to recruit staff should be responsible for paying for any checks they require. I do not know why those wanting to work in this hugely important and really understaffed sector are charged for it."**

**Rupert, an NHS worker in Sussex**

### Barriers to progression

One of the disadvantages of the current criminal record and barring checks system is that they continue to lack sufficient portability. Checks are only up to date on the day the search takes place, which means many employers require a new check for every new role.

While this makes sense for employers, it means additional costs and delays for staff. Moving within the same organisation can trigger the need for a new check, let alone moving to a different employer. This makes promotion, progression and any additional flexibility the employer needs more difficult.

**"I moved department within the same trust and was still asked to pay for another Enhanced DBS."**

**Jennifer, a hospital staff member in Manchester**

**"I was disappointed that the cost of the criminal records check was taken out of my wage when I got my promotion, as I stayed in the same trust and just moved to a different role."**

**Aqeel, an NHS worker in Lancashire**

Many staff, especially in health and social care, take on second jobs as bank staff or with agencies to allow them to do overtime. Often, they will be doing an identical job in the same workplace as their main role and filling in where their employer is short staffed. Despite this, they often find they need a second records check to do the extra shifts.

**“I worked for two NHS trusts in my career. I joined the staff bank and was informed I had to pay £50 to join despite already working in the trust.”**

**Fiona, a nurse in Edinburgh.**

The DBS Update Service was designed to help make criminal records checks in England and Wales more portable. As it is live, new information will be added automatically after someone has registered.

This should allow staff to move between roles more easily and improve employers’ ability to conduct the necessary checks. Portability benefits both employer and employee. It helps retain staff looking to progress in their careers and helps deal with staff shortages, as well providing a greater level of flexibility.

However, it still comes with a cost which employees are being asked to shoulder.

It also doesn’t accommodate the need for different level checks. If someone has a basic check for one role and moves to a role that needs an enhanced check, they will have to start from scratch with a new application.

## In the context of crisis

The cost-of-living crisis is hitting those on the lowest incomes the hardest. Poorer households spend a greater proportion of their income on essentials, which are among the things that have increased the most. In March 2023, prices for food and non-alcoholic beverages rose by 19.2%,<sup>16</sup> while energy bills doubled last winter.

UNISON research into how low income public service workers were coping found almost a third (31%) had skipped meals, a quarter (27%) had taken on extra shifts or second jobs and one in five (21%) had taken out a loan.<sup>17</sup> The union’s 2023 housing survey found that three-fifths (60%) spent at least 40% of their household income on housing costs.<sup>18</sup>

In this context, even a small unexpected expense can be difficult to bear. Compounding this, the request for a criminal records check often comes at a particularly vulnerable point, before a new employee has started work and before they have been paid.

**“I had to pay for the DBS as part of the recruitment process. At the time I was struggling financially and it was tricky.”**

**Louise, an NHS worker in Gloucestershire**

**“The initial few weeks caused me to get into debt. I had the cost of the DBS, training without pay and then shadowing on half pay, plus the cost of fuel and use of own car.”**

**Patricia, a social care worker for a private company in Wales**

**“I was expecting my employer to pay for the DBS check, but they didn’t. So I had to pay for it even though I have no pension scheme, no sick pay, and no term-time or holiday pay. My employer sent me for a few all-day training sessions, but I was never paid for my time attending them even though they were compulsory. I**

<sup>16</sup> Cost of living insights: Food, Office for National Statistics, 15 November 2023 [www.ons.gov.uk/economy/inflationandpriceindices/articles/costoflivinginsights/food](https://www.ons.gov.uk/economy/inflationandpriceindices/articles/costoflivinginsights/food)

<sup>17</sup> ‘Together we Rise for Fair Pay’, UNISON, August 2022 [www.unison.org.uk/content/uploads/2022/08/Unison\\_26982\\_Cost\\_of\\_Living\\_report.pdf](https://www.unison.org.uk/content/uploads/2022/08/Unison_26982_Cost_of_Living_report.pdf)

<sup>18</sup> ‘Through the Roof’, UNISON, June 2023 [www.unison.org.uk/2023HousingReport](https://www.unison.org.uk/2023HousingReport)

**got the minimum hourly pay of £10.42. I am financially suffering as living costs are high and my rent has gone up as well."**

**Nazia, an early years practitioner in Birmingham**

Sometimes the check is required before there is even a job offer, as part of a screening process, so the worker doesn't even have the reassurance of future pay to offset the anxiety about shouldering the cost.

**"It was before my new job when I was asked to pay. I had to pay and send receipts for confirmation before I could get to next stage on my application. I didn't even know if I had a job yet."**

**Adedotun, a worker for a private nursing home agency in Salford**

When employees cannot afford this expense, it can result in them being turned down for the job or delay them starting.

**"I had to wait until my salary came in before I could afford to apply, which delayed things."**

**Suzanne, a housing association staff member in South Wales**

**"I wasn't working at the time so had no money really. I had to choose between doing a food shop or getting my DBS check done. They pressured me saying that if I didn't pay, they couldn't give me the job."**

**Gabby, a social care worker for a private agency in London**

As well as impacting on recruitment, charging staff for the checks can result in people having to cut costs at home, take on overtime, or get into debt. While the costs may not ostensibly seem high, an enhanced check equates to 3.6 hours of wages for staff on the national living wage, or over five hours work for an 18–20-year-old on the national minimum wage.

The costs employees are asked to pay can also be higher than those advertised on the government website. Only basic checks can be obtained directly from the Disclosure and Barring Service in England and Wales. Other checks have to be obtained via a registered body or umbrella organisation, who often charge higher costs, including handling and administration fees. Some employers may also pass on administration costs even

when they are the registered body. This means most employees requiring a check will be paying more than the fees listed on the government website.

**"Paying for the DBS check meant I couldn't feed myself or my children that day. The food bank wasn't open that day either, so we were really stuck and hungry."**

**Kimberley, a social care worker in Yorkshire**

**"As a person on the minimum wage, and also facing increased cost of living, I had to use a credit card to get my DBS. Because of the interest, it will cost £14 more by the time it's paid off"**

**Rasmus, a social care worker at a private provider in Southampton**

**"I got asked if I would like to pay upfront or monthly out of my pay. Due to the cost-of-living I opted for monthly. I had to take on extra bank shifts in my old role to cover the cost."**

**Leanne, an NHS worker in Lancashire**

**"It's for my job so I shouldn't have to pay. It cost me £70 last time which is over a week's food shopping."**

**Nigel, an NHS worker in Bristol**

**"I have a disabled young son and am constantly paying for extra things. I live pay check to pay check. The DBS check was just a small thing in the grand scheme of things I guess, but it did hurt that I had to fork over more money I didn't readily have available just to go to work."**

**Catalina, an NHS worker in Essex**

## Policy options

### National policy recommendations

1. The governments in Westminster and the devolved nations should waive the fee for all applicants providing “regulated activities” in public services. One of the first changes in the pandemic was waiving the fees for all applicants working in social care and NHS roles to process applicants more quickly and fill vacancies in a moment of crisis. Although it ended in May 2023, there is still a recruitment and retention crisis in public services.

According to a 2013 treasury report, “around 80 per cent of CRB checks relate to public sector employees.”<sup>19</sup> While this number may have decreased a little as public sector bodies outsource to private companies, it is still public service roles which use the service most. This means that, when employers do not pass the cost for the necessary checks to staff, the funding is circular. The public sector provides the checking service and it pays for it too, both funded through taxation. It is a matter of accounting which budget it shows up in and should be a cost neutral measure.

2. Create a new legal duty preventing employers from passing on essential costs of working to their employees. In the case of criminal record and barring checks, this would require the employer to cover the costs of any checks required (should fees not be waived by government). It should also cover other costs of working that employees are sometimes forced to bear themselves such as compulsory professional memberships or accreditation, uniform, training, mileage and parking.

3. Create greater portability for checks, so that instead of the update service being a paid-for additional service, the ability to check a certificate and get a real-time snapshot comes as part of the original application. This aligns with the independent government-commissioned review in 2023 of the disclosure and barring regime which said the DBS should undertake “the work necessary to establish the feasibility and cost of redesigning the Update service to enable employers,

<sup>19</sup> [webarchive.nationalarchives.gov.uk/ukgwa/20130605075729mp\\_/http://www.hmrc.gov.uk/thelibrary/tiin-txr-dis-barring.pdf](http://webarchive.nationalarchives.gov.uk/ukgwa/20130605075729mp_/http://www.hmrc.gov.uk/thelibrary/tiin-txr-dis-barring.pdf)

who have been given permission to carry out status checks, to receive notification of any change to the status of the certificate.”<sup>20</sup>

### Recommendations for employers

Employers should not pass the costs of criminal records and barring checks on to staff. Essential costs should be the responsibility of the employer, not the employee. This is especially important in low paid roles, where the deduction of costs for criminal records checks could put a staff member’s wage below the legal minimum wage.

UNISON has had some successes campaigning against the introduction of criminal record checking charges for staff. For example, in January 2019, staff in the Northumberland, Tyne & Wear NHS Trust celebrated the reversal of their employer’s decision to introduce fees for staff.<sup>21</sup>

<sup>20</sup> [www.gov.uk/government/publications/independent-review-of-the-disclosure-and-barring-regime/independent-review-of-the-disclosure-and-barring-regime-accessible#recommendations](http://www.gov.uk/government/publications/independent-review-of-the-disclosure-and-barring-regime/independent-review-of-the-disclosure-and-barring-regime-accessible#recommendations)

<sup>21</sup> [northern.unison.org.uk/news/2019/01/unison-stops-unfair-dbs-charges-nhs-workers/](http://northern.unison.org.uk/news/2019/01/unison-stops-unfair-dbs-charges-nhs-workers/)

## Examples of good and poor practice

### Employers deducting costs from their staff

#### Sheffield Health and Social Care NHS Foundation Trust

“7.6 Payment for DBS checks - Applicants are normally required to fund the DBS check, however where recruiting managers identify the posts are ‘hard to recruit’ the fee may be waived. This will be determined at the recruitment planning stage. Where a post is identified as ‘Hard to recruit’ the Trust will fund the initial DBS check and candidates are asked to join the DBS update service and maintain registration during employment with the Trust. This attracts an annual fee to be paid by the individual.”<sup>22</sup>

#### University Hospitals of Leicester NHS Trust

“4.13 Payroll Services are responsible for ensuring that recovery of the DBS charge is deducted from the employee’s salary over a three month period from the date of their commencement in post.”<sup>23</sup>

#### Blackpool Teaching Hospitals NHS Foundation Trust

“4.6.1 External applicants – All applicants will be responsible for paying for their own DBS check. The DBS check will only be carried out once a conditional offer of employment has been made. Applicants for substantive posts will have the option to pay either as a one off charge, to be deducted from their first salary, or to spread the cost over the first three months’ salary. Bank workers will be required to pay for the DBS check in advance as this cannot be deducted from their salary.

“4.6.2 Internal applicants - Where applicants already hold the correct level of DBS check they will be required to complete a declaration as part of the recruitment process (See Section 4.8). Where they currently do not

hold a position that requires a DBS check, or the level of DBS check for the new post is different applicants will be required to pay for the DBS check to be conducted. They will have the option to pay either as a one off charge, to be deducted from their salary, or to spread the cost over a three month period.”<sup>24</sup>

#### Leeds and York Partnership NHS Foundation Trust

Chargeback introduced in 2018: “The Disclosure and Barring Service (DBS) update service enables staff to keep their DBS certificates up to date online, and allows for employers to check a certificate online. Subscription to the service incurs an annual cost £13 for the employee.”<sup>25</sup>

“New bank workers will be required to join the Update Service and also asked to pay for their own DBS check, along with the annual Update Service fee themselves and will be required to maintain their annual subscription to the Update Service. The Trust will make the initial payment for the check and then recover this via payroll over the first three months. The individual will also pay the cost to participate in the Update Service (£13 per annum) direct to the Update Service using their own credit or debit card and to sign up for automatic renewals. By April 2020 all existing Bank workers must be registered on the DBS update service. You must notify the Bank Staffing Department of any police convictions, cautions, bail conditions or charges received whilst you are registered with the Trust Bank failure to do so may result in you being de-registered from the Trust Bank and professionally registered staff would have their professional body notified.”<sup>26</sup>

#### Newcastle Hospitals NHS Foundation Trust

“5.30 Staff will be made aware of the Update Service and encouraged to register whenever a new Disclosure application is made. The individual will be liable to pay the annual subscription fee.

<sup>22</sup> [www.shsc.nhs.uk/sites/default/files/2021-01/DBS%20Checks%20Policy%20and%20Procedure%20%20%28V5%20Dec%2020%29%20%281%29.pdf](http://www.shsc.nhs.uk/sites/default/files/2021-01/DBS%20Checks%20Policy%20and%20Procedure%20%20%28V5%20Dec%2020%29%20%281%29.pdf)

<sup>23</sup> [secure.library.leicestershospitals.nhs.uk/PAGL/Shared%20Documents/Disclosure%20and%20Barring%20Service%20UHL%20Policy.pdf](http://secure.library.leicestershospitals.nhs.uk/PAGL/Shared%20Documents/Disclosure%20and%20Barring%20Service%20UHL%20Policy.pdf)

<sup>24</sup> [www.bfwh.nhs.uk/onehr/wp-content/uploads/2022/11/CORP-POL-571.pdf](http://www.bfwh.nhs.uk/onehr/wp-content/uploads/2022/11/CORP-POL-571.pdf)

<sup>25</sup> [www.leedsandyorkpft.nhs.uk/our-services/wp-content/uploads/sites/2/2021/04/DBS-FAQs.pdf](http://www.leedsandyorkpft.nhs.uk/our-services/wp-content/uploads/sites/2/2021/04/DBS-FAQs.pdf)

<sup>26</sup> [www.leedsandyorkpft.nhs.uk/careers/wp-content/uploads/sites/7/2022/03/LYPFT-Bank-Handbook-2022.pdf](http://www.leedsandyorkpft.nhs.uk/careers/wp-content/uploads/sites/7/2022/03/LYPFT-Bank-Handbook-2022.pdf)



“5.68 An overseas criminal record check should also be carried out where an individual does not have a 5 year history of address in the UK. If an individual has spent a consecutive period of six months or more outside of the UK in any one country, during the last 5 years and during that consecutive period they have been in any country for more than 30 days at the date of application submitted, then overseas criminal record checks (or where the country will not provide this, a certificate of good conduct) should be undertaken. The cost of any overseas criminal record checks will be borne by the individual.”<sup>27</sup>

### **Sherwood Forest Hospitals**

“All successful applicants joining Sherwood Forest Hospitals will be required to subscribe to the DBS Update Service when their new DBS certificate arrives and subsequently pay the annual subscription fee directly to the DBS throughout their employment. If an existing employee who has not previously registered with the Update Service and changes role where it has been identified that a new DBS check is required, they will required to subscribe to the DBS Update Service when their new DBS certificate arrives and subsequently pay the annual subscription fee directly to the DBS throughout their employment.

“Payment of the DBS check. All new starters to the trust who are required to undertake a DBS check will be charged for the check. The Trust will pay for the check initially and the money will then be deducted from their first month’s salary. New starters will also need to pay to join the update service and will pay for this directly themselves.

“The cost of DBS checks for Temporary staff supplied by an agency, including locums and staff working as part of a Trust bank, who are required to have DBS checks at least once a year, will not be paid by the Trust.”<sup>28</sup>

27 [www.newcastle-hospitals.nhs.uk/wp-content/uploads/2021/04/Pre-Employment-Checks-Use-of-the-Disclosure-Barring-Service.pdf](http://www.newcastle-hospitals.nhs.uk/wp-content/uploads/2021/04/Pre-Employment-Checks-Use-of-the-Disclosure-Barring-Service.pdf)

28 [www.sfh-tr.nhs.uk/media/7237/hr-1009-dbs-check-policy-v3-sept-21.pdf](http://www.sfh-tr.nhs.uk/media/7237/hr-1009-dbs-check-policy-v3-sept-21.pdf)

## **Best practice**

### **The Shrewsbury and Telford Hospital NHS Trust**

“The Trust has made the decision to directly pay for the costs of DBS Disclosures, whereas colleagues previously paid for Checks themselves and where not reimbursed.”<sup>29</sup>

### **University of Essex**

“In all instances where a DBS check is necessary for the completion of the course (even if the regulated activity is in relation to an optional module or project) the University covers the cost of the DBS check.”<sup>30</sup>

### **Durham Council – direct payments**

“DBS checks are now completed online at a faster rate than in the past and will not cost the employee any money personally, as the cost will be met from your Direct Payments funding.”<sup>31</sup>

### **University of Keele**

“11. DBS Check Fees 11.1 The DBS imposes a fee for processing Disclosure applications. This fee will be paid through the University’s DBS account and then re-charged to the relevant School/Research Institute/ Department. Current fees are £44.00 for Enhanced Disclosures and £26.00 for Standard Disclosures. 11.2 When the University requires an individual to be re-checked using the online update service, the individual must pay an annual fee of £13 directly to the DBS which and then be reclaimed via the expenses procedure and charged directly to the School/Research Institute/ Department (All fees are correct at 1st January 2016)”<sup>32</sup>

29 [www.sath.nhs.uk/wp-content/uploads/2020/04/DBS-Policy.pdf](http://www.sath.nhs.uk/wp-content/uploads/2020/04/DBS-Policy.pdf)

30 [www.essex.ac.uk/staff/dbs/dbs-payment](http://www.essex.ac.uk/staff/dbs/dbs-payment)

31 [www.durham.gov.uk/article/26225/Direct-Payments-and-Disclosure-and-Barring-Service-DBS-checks](http://www.durham.gov.uk/article/26225/Direct-Payments-and-Disclosure-and-Barring-Service-DBS-checks)

32 [www.keele.ac.uk/media/keeleuniversity/hr/crbandsafeguarding/DBS%20Policy%20FINAL%20Jan17%20-%20updated%20Apr%2018.pdf](http://www.keele.ac.uk/media/keeleuniversity/hr/crbandsafeguarding/DBS%20Policy%20FINAL%20Jan17%20-%20updated%20Apr%2018.pdf)

### East London NHS Foundation Trust

“6.1. The Trust will pay the initial DBS check (£44 for enhanced and £26 for standard) and candidates/ employees are responsible for the payment of the annual update subscription of £13 which they will be able to claim this back via an expenses claim form yearly. These expenses are not taxed. The relevant instructions and forms will be provided to prospective and existing employees at the time of completing their online DBS application form.”<sup>33</sup>

<sup>33</sup> [www.elft.nhs.uk/sites/default/files/2022-03/DBS%20Policy%20v6.0%20\(2\).pdf](http://www.elft.nhs.uk/sites/default/files/2022-03/DBS%20Policy%20v6.0%20(2).pdf)





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