

## DBS guidelines for transgender applications

There can be several obstacles for Transgender applicants who are applying for a DBS. These include applicants not wanting to disclose previous names or genders to an organisation or employer in the process of the application, worries about what name and gender will be displayed on the certificate, and not having accepted identification documents in a person's name if they have recently changed it.

The Disclosure and Barring Service has a policy in place to support trans applicants to make sure that trans people can get a DBS

- With their correct name and gender identity on it
- Without disclosing to their employer that they are trans
- Without all of the accepted identification documents in their new name
- In their new name, even if they haven't changed it by deed poll

Below is the DBS guidelines for transgender applicants, as of April 2024.

### **Sensitive Service:**

DBS offers a confidential checking process for **transgender** individuals in line with the Gender Recognition Act 2004 called the Sensitive Application service. This gives applicants the choice about whether they are happy for their previous gender to be disclosed on their completed DBS certificate or not. Please note, an applicant using the confidential checking service will complete the same application form as any other applicant. – Please process this application in the same way as you would for any other applicant once they have completed it and you have verified their ID.

If an applicant doesn't want their previous gender identity disclosed to their employer, and/or on their DBS certificate, **then they need to contact the Sensitive Applications team directly to let us know**. This should be done before submitting the DBS application and the applicant can contact us directly via email to [sensitive@dbs.gov.uk](mailto:sensitive@dbs.gov.uk).

It's key that everyone applying for a DBS check provides a full history of all the names they have been known by and details of previous identities on their application form. This information is essential as DBS can then accurately identify potentially relevant information held in central records and by law enforcement agencies. This allows us to provide employers with information to make safer recruitment decisions, ensuring we safeguard the most vulnerable in society.

The Sensitive Applications team receive this information and carry out the checks of all previous gender names and identities as well as names/gender declared on the application form. This ensures the applicant will receive a valid DBS certificate.

If an applicant doesn't feel comfortable dealing with a member of the Sensitive Applications team, they can nominate someone to speak to us on their behalf. The applicant should give the Sensitive Applications team the details of this nominated person to give us permission to speak to them on the applicant's behalf.

When the applicant contacts the Sensitive Applications team, they're advised that DBS does have a confidential checking process in place for applicants who don't want their previous name/gender to be disclosed on their DBS certificate.

At the same time, they are also advised that, providing they have sufficient evidence of their identity in their now name required by the employer or evidence checker to support this. Then **it is only** then that they are **exempt** from answering the following question, "Have you been known by any other name?" and they also only need enter their now title, now name and now gender on their Disclosure and Barring application form.

Where the applicant doesn't have enough ID evidence as required by the evidence checker to support their DBS application, the DBS Sensitive Applications team will advise them of the alternative options available. (Please see ID verification below)

If an applicant does have a conviction which may reveal their previous name/gender, it would be useful for the applicant to advise us of this as soon as possible. An applicant may be able to avoid previous details being disclosed, so advising us sooner rather than later will help speed up the process.

**We would ask you to please make the applicant aware of the sensitive applications route should they wish to use our service and so as not to delay the process of their application, they should contact us at their earliest convenience.**

### **ID Verification Process**

We have found that some applicants don't have enough identity documents to support their application for a DBS check.

The options listed below will assist with completing the application form and providing the required ID to satisfy the evidence checker. Please consider all the options available below for your applicant in relation to the ID documents they provide to you. The options below also tell you what to do if the applicant doesn't have enough ID in their now name to support their application.

Please be aware, if there are any discrepancies in the information provided by the applicant and/or the identity documents supplied, and fraud is not suspected, please ask the applicant to clarify before the application is submitted.

### **FOR STANDARD & ENHANCED APPLICATIONS**

#### **Option 1**

- If the applicant has contacted the Sensitive Applications team to advise us of their previous name(s) **and** has all the ID documents required by the evidence checker in their now name, they must complete the application form in their now title, now name and now gender only.

- They are exempt from answering the question on the application form 'Have you been known by any other name?'
- DBS will carry out checks on all names, taking actions to ensure that the previous name(s) do not appear on the final certificate.

### Option 2

- If the applicant has contacted the Sensitive Applications team to advise us of their previous name(s) **and** has a combination of the ID documents required by the evidence checker in both their previous name and their now name they must complete the application form using their now title, now name and now gender.
- They **must** disclose all previous name(s) in the section of the application form which asks, 'Have you been known by any other name?'
- They **must** provide their Change of Name Deed (Deed Poll) to the evidence checker. This can be accepted in the same way as a marriage certificate to link old names to new names at the evidence checkers discretion.
- By selecting this option, the evidence checker can verify the applicant's identity using the ID documents in both names.
- DBS will carry out checks on **all** names, taking actions to ensure that the previous name(s) don't appear on the completed DBS certificate.

### Option 3 (Fingerprint route)

- If the applicant has contacted the Sensitive Applications team to advise us of their previous name(s) **and** has a combination of the ID documents required by the evidence checker in both their previous name and their now name, they must complete the application form using their now title, now name and now gender.
- If the applicant **does not** want to disclose all previous name(s) in the section of the application form which asks, 'Have you been known by any other name?', they can select 'No'.
- By selecting this option, the evidence checker won't be able to verify the applicant's identity and so must state they have not been able to do this when they submit the application form.
- Once we've received the application, DBS will contact the applicant to explain what needs to happen to verify their identity and allow the application to be processed. This will involve the applicant going for fingerprints at their local police station for comparison against fingerprints held on the Police National Computer.
- When the police have carried out this comparison, DBS will carry out checks on **all** names, taking actions to ensure that the previous name(s) don't appear on the completed DBS certificate.

### Option 4

- If the applicant has contacted the Sensitive Applications team to advise us of their previous name(s) but only has the ID documents required by the evidence checker in their previous name, and they **do** hold a Change of Name Deed (Deed Poll), they must complete the application form in their now title, now name and now gender.
- They **must** disclose all previous name(s) in the section of the application form which asks, 'Have you been known by any other name?'

- They **must** provide their Change of Name Deed (Deed Poll) to the evidence checker. This can be accepted in the same way as a marriage certificate to link old names to new names at the evidence checkers discretion.
- By selecting this option, the evidence checker can verify the applicant's identity using the Change of Name Deed and ID documents in both names.
- DBS will carry out checks on **all** names, taking actions to ensure that the previous name(s) do not appear on the completed DBS certificate.

#### **Option 5 (Fingerprint route)**

- If the applicant has contacted the Sensitive Applications team to advise us of their previous name(s) but only has the ID documents required by the evidence checker in their previous name, and they don't hold a Change of Name Deed (Deed Poll), they can complete the application in their title, now name and now gender.
- By selecting this route, the applicant will be advised that they don't need to disclose all previous name(s) in the section of the application form which asks, 'Have you been known by any other name?'.
- By selecting this option, the evidence checker won't be able to verify the applicant's identity and so must state they have not been able to do this when they submit the application form.
- Once we've received the application, DBS will contact the applicant to explain what needs to happen to verify their identity and allow the application to be processed. This will involve the applicant going to their local police station to provide their fingerprints for comparison against fingerprints held on the Police National Computer.
- When the police have carried out this comparison, DBS will carry out checks on **all** names, taking actions to ensure that the previous name(s) don't appear on the completed DBS certificate.