



# Vetting Information Sheet

**April 2010**

**Version 1.0**

## **Statement of legislative compliance**

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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## Aims and objectives of the policy

Nottinghamshire Police is committed to the maintenance of high levels of honesty and integrity and the prevention and disruption of dishonest, unethical and unprofessional behaviour.

To assist Nottinghamshire Police in achieving this, it has introduced a comprehensive vetting policy that has been drafted to comply with the general and specific duties in the Race Relations (Amendment) Act, Data Protection Act, Freedom of Information Act, European Convention of Human Rights and other legislation relevant in delivering a policing service.

## Policy statement

### CRIMINAL CONVICTIONS AND CAUTIONS

Convictions, cautions and fixed penalty notices (road traffic and recordable offences) will not necessarily preclude anyone from appointment with Nottinghamshire Police as a Police Officer, or employment as Police Staff including Police Community Support Officer, member of the Special Constabulary, or work in a Non-Police Personnel role (e.g., contractor, agency staff, volunteer, partnership working etc). It will depend on the nature and circumstances of the offence.

Factors that are taken into consideration before a decision is made include:

- The age of the applicant at the time of the offence
- The number of years that have elapsed since the offence was committed (5 years must have normally elapsed for recordable offences)
- The nature of the offence

Spent convictions must also be included on any application under the Rehabilitation of Offenders Act 1974 (by virtue of the provisions of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975) or any involvement with civil, military or transport police.

Some applicants do not declare information that they believe is no longer held on record. However, Nottinghamshire Police enquiries will all reveal incidents and failure to disclose any relevant information will result in an application being terminated.

Nottinghamshire Police will also want to know whether any of your close family or associates are involved in criminal activity and the Vetting Unit staff will therefore search for any criminal convictions or cautions recorded against you, your family and associates. You must advise them that these enquiries will be made. Nottinghamshire Police cannot disclose the results of these enquiries to you.

In summary, applicants must declare:

- Convictions, cautions, reprimands or warnings;
- Receipt of an absolute/conditional discharge or bind over;
- Receipt of a reprimand, warning, final warning or caution as an adult or juvenile;
- Traffic offences (including fixed penalty notices, excluding parking);
- Being the subject of an Anti-Social Behaviour Order, Football Spectator banning Order, Risk of Sexual Harm Order, Harassment Order;
- Any involvement with the military authorities on disciplinary matters (whether involving court martial or not);
- Involvement in a criminal investigation (whether or not this has led to a prosecution) or been associated with criminals.

## **MANDATORY REJECTION**

Applicants must be rejected if they have been convicted or cautioned for an offence such as:

- Any offence committed as an adult or juvenile, which resulted in a prison sentence (including custodial, suspended or deferred sentence and sentences served at a young offenders' institute or community home);
- Treason;
- Murder;
- Manslaughter/culpable homicide;
- Rape;
- Offences under the Sexual Offences Act 2003 punishable by life or more than ten years imprisonment;
- Kidnapping/abduction;
- Incest;
- Sexual activity with a child;
- Hostage taking, hi-jacking or torture;
- Involvement in espionage, terrorism, sabotage or any actions to overthrow/undermine parliamentary democracy by political, industrial or violent means or association (past or present) with any organisation advocating such activities;
- Death by dangerous driving;
- Firearms offences;
- Offences with a hate aggravation (race, religion or belief, sexual orientation, transgender or disability);
- Domestic violence offences.

Convictions, which will lead to rejection (unless there are exceptionally compelling circumstances) include:

## **VIOLENCE**

- Offences involving serious violence or injury including Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH);
- Offences involving unsolicited violence towards others;
- Unlawful possession of weapons, firearms or going equipped to steal
- Gross Indecency;
- Acts of indecency;
- Abuse or neglect of children;
- Public order offences – involvement in riot, violent disorder, affray, causing fear or provocation of violence, causing intentional harassment, alarm or distress.

## **DISHONESTY**

- Interference with the Administration of Justice or the investigation of offences;
- Burglary;
- Offences that involve elements or acts of dishonesty, corruption, substantial financial gain or serious loss to anyone including theft, fraud and deception.

## DRUGS/DRIVING OFFENCES

- Serious involvement in drugs including possession of a class A drug (e.g. heroin, morphine) or more than one class B drug (e.g. amphetamines) and/or supplying drugs of any kind;
- Reckless or Dangerous Driving within the last ten years;
- One offence of drink driving or drunk in charge or driving under the influence of drugs within the preceding ten years;
- More than one offence of drink driving or drunk in charge or driving under the influence of drugs;
- Other serious motoring offences such as conviction within the last five years of driving without insurance, otherwise than in accordance with the conditions of a driving licence, failing to stop after an accident or driving whilst disqualified;
- More than three endorseable traffic convictions (including fixed penalty notices, excluding parking) within the last five years (for offences on different dates)
- Two or more convictions for regulatory offences such as failure to renew vehicle excise licence or test certificate within the last five years.

## GENERAL

- Cautions (includes reprimands and final warnings for recordable offences within the last five years);
- Juvenile convictions within the last five years for any recordable offence;
- Any recordable offence other than listed above within the last five years.

## OTHER CIRCUMSTANCES

In the case of a conviction, caution, or other circumstances that does not fall into any of the above types, consideration will be given to the circumstances and its compatibility with the post applied for. Careful consideration will be given to the nature of the events, particularly those that include, or have connections, which raise reasonable doubts about the applicant's honesty, integrity, reliability or susceptibility to pressure, coercion or improper influence.

Current or past behaviour that may indicate unreliability includes:

- Drunk and Disorderly Offences – no more than one offence and only after 2 years has elapsed from caution or issue of a fixed penalty notice or 3 years from bind over/conviction;
- Common Assault – no more than one offence as a juvenile or young adult and only after 2 years has elapsed from the end of bind over or conviction;
- Minor drugs offences or substance abuse – no more than one offence and only after five years have elapsed following a caution or five years from conviction.

The examples do not give a definitive list. Each application must be considered on its individual merits.

## **HM FORCES**

Convictions whilst serving in HM Forces will be treated like any other centrally recorded information and similar weight given to any finding of guilt.

Serving members of the armed forces who are convicted of any criminal offence by a military tribunal will have any such offence recorded on the Police National Computer. This will include any aspect of a conditional discharge.

## **OUTSTANDING CHARGES AND SUMMONSES**

Where an applicant discloses an outstanding charge or summons that may result in a conviction for a recordable offence, the application will be put on hold until the outcome is known, at which point it will be considered in accordance with this document.

## **RELATIVES AND ASSOCIATES WITH CONVICTIONS OR CAUTIONS**

Where relatives or the associates of an applicant, are found to have convictions or cautions for recordable offences, or if they are reasonably suspected of being actively involved in criminal activity, the following should be considered:

- The likelihood that the applicant's performance and discharge of duty will be adversely affected, e.g. through adverse pressure or a conflict of interests;
- The nature, number and seriousness of the offences or involvement in criminal activity and the time over which these took place;
- Whether the circumstances are likely to bring discredit to or embarrass Nottinghamshire Police;
- The potential for information leakage.

## **FINANCIAL CONSIDERATIONS**

All applicants for police personnel posts (Police Officer, Special Constable and Police Staff) will be subject to a financial credit reference check. Non-police personnel may be subject to this check if the sponsoring department requires it.

- Applicants who have existing County Court Judgements outstanding against them or who have been registered bankrupt and their bankruptcy debts have not been discharged will not be considered for appointment;
- Applicants who have discharged (satisfied) County Court Judgements may be considered;
- Applicants who have been registered as bankrupt and their bankruptcy debts have been discharged may only be considered 3 years after the date of the discharge of the debt;
- Applicants who are the subject of a current Individual Voluntary Arrangement (IVA) should not be considered;
- Applicants who have default accounts recorded against them and who have not taken any action to either satisfy the default account or have not made recorded arrangements to resolve the default account will not be considered. However, where applicants can demonstrate that they have or are taking action to resolve the default accounts, they may be considered.

**Each application will be decided upon its individual merits.**

## RESIDENCY QUALIFICATION

Section 82 of the Police Reform Act 2002 removed the prohibition on the employment of persons born out of the United Kingdom and the prohibition arising from nationality in the Police Service of England and Wales.

Section 82 provides for British citizens, citizens from the European Economic Area (EEA), Commonwealth citizens and other foreign nationals to be eligible for the Police Service. Current members of the EEA are Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

Romania and Bulgaria are members of the EEA but are not current automatically entitled to remain in the United Kingdom.

While Switzerland is not in the EEA, Swiss nationals have the same rights as EEA nationals. Candidates for appointment to a police force who are neither a member of the EEA nor a Swiss national are required to have leave to enter or leave to remain in the United Kingdom for an indefinite period. Such applicants must reside in the United Kingdom or have an entitlement to do so.

Although Bulgaria and Romania are members of the EEA, their citizens are not automatically entitled to remain in the United Kingdom. Therefore citizens from Bulgaria and Romania are also required to have leave to enter and leave to remain in the United Kingdom for an indefinite period.

It also states that candidates for appointment will continue to be vetted. The principles in this agreement also apply to applicants for Police Staff positions and include partnership workers including contractors.

However, the ACPO National Vetting Policy for the Police Community and the Manual of Protective Security requires a minimum period of 3 years residency in this country in order that meaningful vetting checks can be undertaken. If candidates cannot be security vetted they cannot be appointed. Currently there are no reciprocal arrangements with other countries for vetting checks to be undertaken by vetting units.

The reason for this residency rule is to establish whether the applicant has any criminal antecedents whilst in this country and minimises any risk associated with employing that person.

Where an applicant applies for a position with Nottinghamshire Police and does not meet residency criteria, they will not be considered. However, if the applicant is able to provide a certificate from their country of origin, in English, properly authenticated, stating that the applicant has no conviction history or criminal intelligence recorded against them in their country of origin or any other family member etc named on the application form still resident in their country of origin this may be considered.

This form would be similar to a Criminal Record Bureau check or subject data access report in the United Kingdom. This check is undertaken at the expense of the applicant and any certified documentation must have a translation into English.

## TATTOOS

In the case of appointment as a Police Officer, member of the Special Constabulary or Police Community Support Officer, tattoos are not a bar to appointment. However, some tattoos could potentially offend members of the public or colleagues, or could bring discredit to Nottinghamshire Police. It depends on their size, nature and location, and sometimes on the extent. The applicant should describe the nature, words used, extent, size and location of all tattoos.

Tattoos are unacceptable if they:

- Are considered to be crude, lewd, nude, rude, racist, sexist, sectarian, homophobic, violent or intimidating;
- Are garish or particularly prominent;
- Indicate unacceptable attitudes towards women, minority groups or any other section of the community;
- Indicate alignment with a particular group that could give offence to members of the public or colleagues.