



Independent Custody Visiting Scheme

Explanation into vetting barriers

The following information has been extracted from the National Policing Improvement Policy and details the barriers preventing an individual from passing vetting.

Policy

1. The policy is based on the following principles:
 - The public is entitled to expect that the Police Service recruits police officers with proven integrity.
 - Police officers and special constables are vulnerable to pressure from criminals and others to disclose information.
 - Convictions, cautions and other material information which reflects on personal integrity must be revealed by police officers and others in the evidential chain to the Crown Prosecution Service (CPS) on every occasion that they submit a statement of evidence in a criminal case. This is in accordance with the CPS Prosecution Team Disclosure Manual. This information will be used by the CPS to assess the strength of the police officer's evidence and, if the case proceeds, it is likely to be disclosed to the defence and may be used in open court to attack the credibility of the police officer. Such an occurrence could undermine the integrity of the evidence, the witness and the Police Service.
 - Police forces should not recruit those with cautions or convictions, which may call into question the integrity of the applicant or the Police Service. Each case should be dealt with on its own individual merits. This policy should sit alongside National Security Vetting, the ACPO National Vetting Policy for the Police Community and police force vetting policies and procedures.

Guidance

Recruitment process checks

2. Before recruiting anyone to work in a police force, thorough checks must be undertaken to ascertain whether anything is known to the detriment of the applicant, his/her spouse or partner, or close relatives such as parents, in-laws, siblings or others residing or associating with the applicant. Further checks will take place of any self-declared or discovered criminal associations which could heighten vulnerability, bring discredit upon, or otherwise cause embarrassment to the Police Service. Checks on the Police National Computer (PNC), Criminal History System (CHS), Criminal Information System (CIS), police force crime information system, local

intelligence and other relevant non-conviction database systems will be appropriate for the applicant and their spouse or partner, close relatives, in-laws, or those residing or associating with the applicant and any self-declared or discovered criminal associations. Where appropriate, searches should also be made against Military and Police Professional Standards databases.

3. A Counter-Terrorism Check (CTC) is required for those individuals who are to be employed in posts which:
 - Involve proximity to public figures who are assessed to be at particular risk from terrorist attack;
 - Give access to information or material assessed to be of value to terrorists;
 - Involve unescorted access to certain military, civil, industrial or commercial establishments assessed to be at risk from terrorist attack.

The decision as to whether a CTC is required for an individual is a matter for the Chief Officer.

4. It will be necessary on occasion (where an applicant resides outside the area of the police force to which he/she is applying) for one police force to ask another to conduct checks on the Force Crime Information System and Local Intelligence databases on their behalf. Such checks should be conducted promptly to avoid delays in processing the application.
5. Applicants must declare on the application form whether or not they have any convictions or cautions, spent or otherwise.
6. Applicants should not be informed that they have been "successful pending the satisfactory completion of security checks". Instead they should be informed that any offer of employment will be made on satisfactory completion of all medical, reference, and vetting procedures.

Criminal convictions

7. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 provides that the Act shall not apply to the Police Service. Police forces are therefore entitled to ask prospective applicants to reveal spent convictions during the recruitment or vetting process.
8. The criminal convictions criteria defined by this policy must be used to assess each application on an individual basis. Eligibility will depend on the nature and circumstances of the offence. It is not possible to set out a full list of convictions that will preclude a person from becoming a police officer. Each case will be considered on its own merits, and if the offence is deemed sufficiently serious a person will be rejected irrespective of age at time of offending. There may be circumstances where an individual does not fall within the criteria, but whose suspected involvement in crime, or criminal associations make an offer of employment inappropriate.
9. 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);
- Penalty notices for disorder or other 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 having been associated with criminals.

10. Applications should be rejected if an applicant has been convicted or cautioned for an offence such as:

- 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;
- Any driving offences involving 'causing death by';
- Firearms offences;
- Offences with a hate aggravation (race, religion or belief, sexual orientation, transgender or disability);
- Domestic violence offences.

11. Convictions which will lead to rejection unless there are exceptionally compelling circumstances.

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.

* Forces should be aware that previously the infliction of a minor injury would lead to a charge of ABH. The charging criteria have changed, so that the same minor injury would now attract a charge of common assault, and would not necessarily lead to the rejection of the candidate. Convictions for ABH should be examined to see if they would now be classed as common assault. If so, they should be considered under the common assault criteria.

Dishonesty

- Interference with the Administration of Justice or the investigation of offences;
- Burglary;
- Offences which 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 drugs driving within the preceding ten years;
- More than one offence of drink driving or drunk in charge or drugs driving;
- Other serious motoring offences such as convictions within the last five years of driving without insurance, failing to stop after an accident or driving whilst disqualified;
- More than three endorse able traffic convictions (including fixed penalties, 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 within the last five years.

General

- 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' institution or community home);
- 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 Offences for consideration

12. An applicant's age at the time of an offence, the length of time and the aggravating circumstances surrounding the offence will all have a bearing in the following cases:
 - Drunk and Disorderly - no more than one offence and only after two years have elapsed following a caution or three years have elapsed following a bind over/conviction;
 - Minor drugs offences or substance abuse - no more than one offence and only after two years have elapsed following a caution or two years from conviction;
 - Common Assault - no more than one offence as a juvenile and only after two years have elapsed from end of bindover/conviction.

Undisclosed convictions

13. Where it is suspected that an individual has failed to declare a conviction or caution, enquiries should be made to ascertain whether the conviction or caution is attributable to the individual. Such enquiries should include reference to the relevant court to ensure that the conviction has not been overturned on appeal. Where it is

established that an individual has deliberately failed to disclose a conviction or caution then his or her application should be rejected.

Outstanding charges and summonses

14. Where an individual discloses an outstanding charge or summons the application should be put on hold until the outcome is known, at which point it will be considered in accordance with this guidance.

HM Forces

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

Relatives and associates with criminal convictions or cautions

16. Where relatives or the associates of an applicant are found to have unspent convictions or cautions for recordable offences, 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 the Police Service or police force;

17. A decision that an applicant is "unsuitable" on the basis of relatives' convictions, intelligence material or his/her criminal associations should be taken at the appropriate level. The results of checks on relatives and associates should not be disclosed to an applicant due to the need for data protection and to avoid potential disclosure of intelligence.