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# GUIDANCE ON EMPLOYMENT VETTING

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## CONTENTS

	<u>Page(s)</u>
<b>1. INTRODUCTION</b>	<b>2</b>
<b>2. PURPOSE</b>	<b>2</b>
<b>3. ELIGIBILITY TO WORK IN THE UK</b>	<b>2</b>
<b>4. DISCLOSURE SCOTLAND CHECKS</b>	<b>3 – 4</b>
4.1 Basic Disclosure Check	3
4.2 Standard Disclosure Check	3
4.3 Unspent Convictions	3
4.4 Protecting Vulnerable Groups Scheme	4
<b>5. NON-POLICE PERSONNEL VETTING (NPPV)</b>	<b>5 – 6</b>
5.1 Level 1 Limited Access	5
5.2 Level 2 Unsupervised Access	6
5.3 Timescales	6
5.4 Appeals / Reviews	6
5.5 Changes in Personal Circumstances	6
<b>6. BS7858 SCREENING</b>	<b>7 – 9</b>
6.1 Security Screening Process	7 – 8
6.2 Conditional offer of employment	8
6.3 Limited Security Screening	8
6.4 Completion of full Security Screening	9
<b>7. SECURITY INDUSTRY AUTHORITY (SIA) SCREENING</b>	<b>9 – 10</b>
7.1 Criminality Checks	9
7.2 Training	10
7.3 Documents	10
7.4 Processing the Application	10
<b>8. FURTHER INFORMATION</b>	<b>10</b>
<b>9. EQUALITY IMPACT</b>	<b>11</b>
<b>10. REVIEW</b>	<b>11</b>

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## 1. INTRODUCTION

Conducting employment vetting for a post is an essential part of the Company's recruitment and selection process. The purpose of carrying out these checks is to ensure the preferred candidate's suitability for employment in a particular role. Failure to carry out appropriate pre-employment checks can result in increased turnover and associated costs, lower morale and legal implications.

The Company has identified the employment vetting checks that apply to each post within the Company to ensure that appropriate checks are carried out that support the needs of the business.

Job adverts will include details of the relevant vetting arrangements that apply and for some positions, this may involve multiple checks.

## 2. PURPOSE

The purpose of this document is to detail the Company's obligations in carrying out pre-employment checks and the different forms of employment vetting that apply to various roles within the Company. This guidance takes account of appropriate employment legislation on discrimination and data protection.

## 3. ELIGIBILITY TO WORK IN THE UK

The Company is legally obliged to ensure that all employees have the legal right to work in the United Kingdom. The Company is therefore required to carry out appropriate checks to meet these legal obligations.

In order to check that a prospective employee is eligible to work in the United Kingdom, they will be required to provide original documentation from a specified list. When carrying out these checks, the Recruiting Manager will be required to:

- check photographs, where available, to ensure they are consistent with the appearance of the individual;
- check the dates of birth on all documentation, to ensure they are consistent, and correspond with the appearance of the prospective employee;
- check that expiry dates on the documentation, and expiry dates of any limited leave to enter or remain in the UK have not passed;
- check any UK Government stamps or endorsements to ensure the individual is entitled to do the work being offered;
- check the documents to ensure that they are genuine, have not been tampered with and belong to the holder; and
- photocopy the documentation and record the date that the documentation was cited.

*For further information, please refer to the Company's Guidance on Eligibility to Work in the UK.*

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## **4. DISCLOSURE SCOTLAND CHECKS**

### **4.1 Basic Disclosure Check**

For positions that require access to the Public Services Network (PSN), a system designed to help public services work together and share information more effectively, the prospective employee will require a basic disclosure before they can access the system.

The basic disclosure check will identify any unspent convictions.

An unspent conviction is one which is still on an individual's record, as they have not yet completed the rehabilitation period set down in the Rehabilitation of Offenders Act 1974. However, some sentences are excluded from rehabilitation and consequently never deemed 'spent', for example, sentences of imprisonment for more than two and a half years.

Following a conditional offer of employment being made, prospective employees will be required to complete the necessary application form and provide the appropriate forms of identification to support their application.

The prospective employee will be required to meet the cost of the basic disclosure check.

A formal offer of employment will not be made until a satisfactory disclosure check has been received by the Company.

#### Note

A Basic Disclosure Check is not required if the prospective employee has completed another appropriate vetting check outlined within this guidance.

### **4.2 Standard Disclosure Check**

Some positions require a standard disclosure. The standard disclosure will contain all relevant conviction information which may include unspent convictions. Within the Company, certain financial positions require a standard disclosure.

Following a conditional offer of employment being made, prospective employees will be required to complete the necessary application form and provide the appropriate forms of identification to support their application.

The prospective employee will be required to meet the cost of the standard disclosure check.

A formal offer of employment will not be made until a satisfactory disclosure check has been received by the Company.

### **4.3 Unspent Conviction(s)**

If a disclosure check is received by the Company and includes an unspent conviction(s), the specific circumstances of this will be considered on a case-by-case basis taking into account the role that the prospective employee will be required to perform.

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#### 4.4 Protecting Vulnerable Groups Scheme

The Protecting Vulnerable Groups (PVG) Scheme:

- helps to ensure that those who have regular contact with children and protected adults through paid and unpaid work do not have a known history of harmful behaviour;
- is quick and easy to use, reducing the need for PVG Scheme members to complete a detailed application form every time a disclosure check is required; and
- strikes a balance between proportionate protection and robust regulation and makes it easier for employers to determine who they should check to protect their client group.

The PVG Scheme aims:

- to ensure that individuals who are unsuitable, do not gain access to children or protected adults through their work;
- to ensure that individuals who become unsuitable are detected early and prevented from continuing to work, or seeking to work, with children or protected adults; and
- to minimise bureaucracy.

The PVG Scheme affects those in the 'regulated workforce'. The regulated workforce consists of individuals who have regular contact with vulnerable groups, e.g. children, through the workplace, in paid and unpaid positions and includes employees and volunteers.

Protecting Vulnerable Groups Scheme Membership contains all conviction information which includes spent and unspent convictions, subject to the provisions of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015, and any other non-conviction information considered to be relevant by the police or other Government bodies.

A full list of convictions that must **always** be disclosed and convictions that should be disclosed subject to rules is available on the Disclosure Scotland website: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).

Prospective employees will be required to complete the necessary application form and provide the appropriate forms of identification to support their application.

The prospective employee will be required to meet the cost of membership to the Protecting Vulnerable Groups Scheme.

A formal offer of employment will not be made until a membership of the Protecting Vulnerable Groups Scheme has been confirmed.

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## 5. NON-POLICE PERSONNEL VETTING (NPPV)

The purpose of 'Non-Police Personnel Vetting' (NPPV) is to provide a means of ensuring that any persons other than police officers, police staff and members of the Special Constabulary, having physical or remote access to police premises, information, intelligence, financial or operational assets have been assessed as to their reliability and integrity and thus suitability for clearance. This vetting serves to reduce the risks of unauthorised disclosure or loss of sensitive police assets.

NPPV relates to the vetting of individuals who require access to police premises without constant supervision, and/or police information, corporate databases, data networks or hard copy material, either through direct or remote access. Due to the nature of the work undertaken by the Company, there are positions where the prospective employee will require to pass the NPPV process.

The level of NPPV required is determined by taking into consideration the information, intelligence and other assets the individual will have access to. This is to ensure that non-police personnel are not subject to a disproportionate level of vetting.

There are two NPPV Levels which apply to employees of the Company; there is NPPV Level 1 and NPPV Level 2.

NPPV relies on the provision of personal information and, where relevant, financial details, and written authorisation for the appropriate checks and associated enquiries to be carried out. The purpose of financial checks is to assess whether applicants are, or have been, in serious financial difficulty, or show signs of financial irresponsibility to the extent they could become vulnerable to financial inducement.

There is no cost associated with the processing of NPPV checks; however, there may be specific circumstances where the prospective employee is required to obtain information from a third party who may charge a processing fee. In these circumstances, the prospective employee will be required to meet the cost of this.

### 5.1 Level 1 Limited Access

Level 1 applies to those persons having unsupervised access to police premises on an ad hoc and irregular basis but no access to any electronic systems and/or hard copy material. This level does not afford any access to protectively marked police material or assets.

For Level 1 limited access, the following checks will be carried out on the applicant only: Police National Computer, Criminal History System, Crime Information System and Police National Database/local intelligence and other non-conviction databases, including Special Branch.

The length of clearance for Level 1 limited access is flexible from a minimum 12 months to maximum two years.

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## 5.2 Level 2 Unsupervised Access

Level 2 applies to those persons having frequent and regular unsupervised access to police premises and/or access to police information and/or hard copy material or protectively marked material, either on police premises or by remote access.

For Level 2 unsupervised access, the following checks will be carried out on the applicant, their spouse/civil partner, partner, children/dependents including stepchildren and other persons as required to be named on the vetting application:

- Police National Computer, Criminal History System, Crime Information System and Police National Database/local intelligence checks, other non-conviction databases and Special Branch;
- Military and Professional Standards checks will be carried out on the applicant if required; and
- Credit Reference check on the applicant only, to establish any financial vulnerability. This check does not focus on the extent of debt, but any defaults which may demonstrate financial difficulties.

The length of clearance for Level 2 unsupervised access is three years.

## 5.3 Timescales

Applicants should be aware that due to the length of the vetting process, this can take several months to complete and a formal offer of employment will not be made until the vetting process has been concluded.

## 5.4 Appeals / Reviews

Applicants for NPPV have no right of appeal against a decision not to grant the relevant level of clearance. However, Police Scotland may permit a review.

## 5.5 Changes in Personal Circumstances

Changes in the personal circumstances of individuals holding NPPV clearance may impact upon their continued suitability to hold that clearance. Therefore, individuals must report any relevant changes, including spouses or partners, changes of address, criminal associations, or other matters relating to the risk factors outlined above in writing, to the Force Vetting Officer.

Individuals should be informed that adverse changes in circumstances, or failure to notify such changes, could result in the withdrawal of their vetting clearance.

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## 6. BS7858 SCREENING

The British Standard gives recommendations for the security screening of individuals to be employed in an environment where the security and/or safety of people, goods and services, personal data or property is a requirement of the employing organisation's operations and/or where such security screening is in the public and/or corporate interest.

The objective of security screening is to obtain sufficient information to enable the Company to make an informed decision on employing an individual in a security environment.

The Company will not employ individuals in a role which requires BS7858 screening whose career or history indicates that they would be unsuitable for the role, given that such employment might allow opportunities for illicit personal gain, or the possibilities of being compromised, or opportunities for creating any other breaches of security.

### 6.1 Security Screening Process

The Company will carry out security screening in accordance with this British Standard prior to the engagement of individuals for relevant employment.

During the interview process, individuals will be made aware that the Company will obtain written evidence of the following:

- background career/history checks;
- a search of public record information. e.g. County Court Judgments, bankruptcies, financial sanctions and proof of identity and proof of address; and
- a criminality check.

The information required includes:

- The individual's personal details including:
  - full name, including forename(s) and surname/family name(s);
  - other and/or previous forename(s) and surname/family name(s) used during the security screening period;
  - aliases, i.e. any name(s) used in addition to current or previous name(s) during the security screening period;
  - full address history, including "from" and "to" dates, for the past five years;
  - date of birth;
  - National Insurance Number;
  - evidence of right to work in the UK; and
  - SIA licence number and expiry date (if held).
- Details of the individual's education, employment, periods of self-employment, unemployment and gaps in employment (including career breaks, etc.) throughout the security screening period.
- Details of all cautions or convictions for criminal offences, including motoring offences and pending actions, subject to the provisions of the Rehabilitation of Offenders Act 1974.

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- Details of all bankruptcy proceedings and court judgments (including satisfied), financial judgments in the civil court made against the individual and individual voluntary arrangements with creditors from the previous six years.
- An acknowledgement that misrepresentation, or failure to disclose material facts, either during application or throughout employment may constitute grounds for withdrawal of an employment offer or termination of employment and/or legal action.
- A statement, in writing, authorising the Company to approach current and former employers, government departments, individuals providing character references, etc. for verification of a continuous record of their career and history.
- A declaration signed by the individual which acknowledges that employment is subject to satisfactory screening, that the individual consents to being screened and will provide information as required, that information provided is correct, and that any false statements or omissions could lead to termination of employment.

## 6.2 **Conditional offer of employment**

A conditional offer of employment will not be made unless:

- the level of risk in the intended employment has been considered and is acceptable;
- preliminary checks have been completed satisfactorily; and
- limited security screening has been completed satisfactorily.

## 6.3 **Limited Security Screening**

In addition to the preliminary checks, the Company will obtain the following for each individual being security screened:

- Confirmation of a continuous record of career and history for a minimum period of three years immediately prior to the date of application (or back to the age of 16 if this date is more recent).
- One character reference. A character reference will not be obtained from previous employers, relatives (by blood or by marriage) and/or persons residing at the same address as the individual. The character reference should cover a minimum period of two years immediately prior to the date of application.

Where an individual is offered conditional employment following limited security screening but before full security screening has been completed, they will be clearly advised that confirmed employment is subject to satisfactory completion of full security screening within the period allowed and that conditional employment will end if full security screening is not completed satisfactorily within the time period allowed.

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## 6.4 Completion of full Security Screening

Full security screening should be completed within the following time periods:

- for 5 year security screening, not later than 12 weeks after conditional employment has commenced; or
- for a longer period, not later than 16 weeks after conditional employment has commenced.

## 7. SECURITY INDUSTRY AUTHORITY (SIA) SCREENING

The Security Industry Authority is the organisation responsible for regulating the private security industry. The aim is to regulate the private security industry effectively, to reduce criminality, raise standards and recognise quality of service.

There are certain roles within the Company which require the postholder to hold a SIA licence. The Company utilise an independent organisation to process SIA applications for employees/prospective employees who require an SIA licence to undertake their role within the Company.

There are two types of SIA licence:

- a front line licence – required if undertaking licenced activity, other than key holding; and
- a non-front line licence – required for those who manage, supervise and/or employ individuals who engage in licensable activity.

To hold an SIA licence, applicants must:

- be over 18 years old;
- be eligible to work in the UK;
- pass a criminality check; and
- complete the required level of training.

### 7.1 Criminality Checks

Having a criminal record does not necessarily mean an individual will not get a licence, and consideration will be given to:

- whether the offences are relevant to the decision;
- the actual sentence or disposal given for the offence; and
- how recent the offences were.

If, at the time the application is being processed, there are outstanding charges for relevant offences, a decision will be deferred until the courts have determined an outcome.

If an applicant lives overseas or has spent six continuous months or more outside the UK, they must provide evidence of a criminal record check from the relevant country or countries. The criminality checks will cover the five years prior to the application.

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## 7.2 Training

Applicants applying for a front line licence will have to undergo a structured training programme resulting in a recognised qualification. The qualifications include:

- Cash and valuables in transit
- Close Protection
- Door Supervisors
- Public Space Surveillance (CCTV)
- Security Guards
- Vehicle Immobilisers

There are no training and qualifications required for a key holding licence.

## 7.3 Documents

Applicants will be required to provide documents that prove their identity, including date of birth, and their address. All documents must be originals and not photocopies. If any of the documents are not in English, the applicant must provide both the original and an English translation from an approved translator.

## 7.4 Processing the Application

Applicants will be required to pay a non-refundable fee to cover the cost of processing their application.

The Security Industry Authority aims to complete applications within 25 working days. However, complex applications, for example applications subject to additional criminality or qualification enquiries and those requiring overseas criminality checks, may take longer than 25 working days.

## 8. FURTHER INFORMATION

If you require further information on the vetting checks detailed within this guidance document, please refer to the sources detailed below.

Disclosure Scotland

<http://www.disclosurescotland.co.uk/>

Public Services Network (PSN)

<https://www.gov.uk/government/groups/public-services-network>

Security Industry Authority (SIA)

<http://www.sia.homeoffice.gov.uk/Pages/home.aspx>

BS7858

[http://www.mitie.com/services/specialist-services/employee-screening\\_peoplecert/bs-7858](http://www.mitie.com/services/specialist-services/employee-screening_peoplecert/bs-7858)

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## **9. EQUALITY IMPACT**

The General Equality Duty was introduced by the Equality Act 2010 ('the Act'), requiring the Company, in the exercise of its functions, to have due regard to three needs. These are the need to:-

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not, by,
  - Removing or minimising disadvantage;
  - Meeting the needs of particular groups that are different from the needs of others; and
  - Encouraging participation in public life.
- Foster good relations between people who share a protected characteristic and those who do not.

The General Equality Duty covers the following protected characteristics; age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers the protected characteristic of marriage and civil partnership with regard to eliminating unlawful discrimination in employment.

This guidance document has been subject to Equality Impact Screening. A copy of the information is available from the Human Resources Section.

## **10. REVIEW**

This guidance document will be reviewed in line with the recognised arrangements, at the date outlined on the front cover of this document, or earlier if there is a business or legislative requirement to do so.

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