

Vetting Code of Practice

Statutory Code of Practice and guidance setting out the principles and ethical standards relating to vetting.

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Presented to Parliament pursuant to Section 39A(5) of the Police Act 1996, as amended by Section 124(5) of the Anti-social Behaviour, Crime and Policing Act 2014.

1. Introduction

1.1 Everyone in policing must maintain the highest ethical and professional standards, and must act with the utmost integrity. This is crucial in ensuring that public trust and confidence in the service is maintained.

1.2 It is essential that the public is confident that police vetting processes are effective in identifying those who pose a potential risk to others, or who are otherwise unsuitable for working within the police service.

1.3 It is imperative that those working in policing are also able to maintain the trust and confidence of their chief constable to perform their role in delivering policing services.

1.4 Vetting is an integral part of a police force's framework of ethics and professional standards. Vetting must form part of a wider security regime, rather than being used in isolation. It assists with identifying individuals who are unsuitable to work within the police service, or to have access to police assets. This includes people who:

- are unsuitable through criminal activity or association
- pose a risk to the public and to those who are particularly vulnerable
- have a demonstrable lack of honesty
- have previously behaved in a manner that is inconsistent with the standards of professional behaviour
- are financially vulnerable

1.5 A thorough and effective vetting regime is an important component in considering an individual's suitability to work in policing. An assessment of an individual's integrity, professionalism

and demonstration of the expected character indicates whether they will achieve and maintain the required level of vetting clearance. This helps to ensure public trust and confidence in those working in policing to deliver a public service.

2. Purpose

2.1 The Vetting Code of Practice sets out the expectations of chief officers in relation to vetting, which are to be applied by police forces in England and Wales.

2.2 This code has been developed to help achieve, implement and maintain the national standards, as set out in the supporting authorised professional practice (APP), and to ensure that those standards are consistently applied across the police service.

3. Scope

3.1 This code of practice replaces all codes previously issued in relation to police vetting.

3.2 The code applies to all those engaged on a permanent, temporary, full-time, part-time, casual, consultancy, contracted or voluntary basis with the police, as well as any individuals who apply to join the service. It also applies to those in partner agencies who have unsupervised access to any police premises or police information that is not publicly available.

3.3 The purpose of the Vetting Code of Practice is to:

- set out the actions that a chief officer must ensure are taken for effective vetting in the police service
- ensure confidence that all those in policing are effectively vetted, so that only those who are suitable to work in policing, and can maintain the expected standards, are able to do so
- promote an ethical and professional environment in policing
- uphold the standards of professional behaviour
- ensure the consistent application of vetting standards across the police service

3.4 The code will be supported by APP on Vetting, which will describe the vetting procedures, technical processes and detail needed to implement vetting.

3.5 The Vetting Code of Practice applies to:

- all police forces in England and Wales
- vetting units, outside the above, that conduct police vetting
- the College of Policing and its personnel
- applicants to the police service
- individuals appointed to, or employed by, police forces, such as police officers, members of police staff and members of the special constabulary
- individuals and organisations working under contract to, in partnership with or on a voluntary basis with police forces in England and Wales
- the staff of local policing bodies who have unrestricted access to any police premises or police information that is not publicly available

The term 'local policing bodies' refers to:

- the offices of the police and crime commissioners
- the mayor's office's for policing and crime
- the Court of Common Council in the City of London

3.6 Although the code of practice applies to the offices of the police and crime commissioners, police and crime commissioners and their statutory deputies are not required to be vetted. However, they are designated as Crown servants (Official Secrets Act 1989 (Prescription) (Amendment) Order 2012), and are therefore subject to the requirements of that Act, which includes not making unauthorised disclosures in relation to sensitive information.

3.7 Vetting will not be effective if used in isolation. Although vetting will help to identify many risks, it cannot identify all threats and vulnerabilities. It must form part of a wider protective security regime.

4. Statutory basis for the code

4.1 The College of Policing has issued the Code of Practice on Vetting as a code of practice under **section 39A of the Police Act 1996**.

4.2 The code of practice applies to the police forces maintained for the police areas of England and Wales, as defined in **section 1 of the Police Act 1996** (or as defined in any subsequent legislation). The code relates specifically to chief officers in the discharge of their functions.

4.3 In discharging any function to which this code of practice relates, chief officers must have regard to this code pursuant to section 39A(7).

4.4 This code can be adopted with the permission of the College and in consultation with the National Police Chiefs' Council (NPCC) lead for vetting by any policing service or law enforcement agency outside of section 1 that has operational access to policing.

5. Chief officer requirements

To comply with this code of practice, chief officers are required to take the following actions and to provide sufficient resources and oversight to ensure the effective delivery of vetting.

5.1. Authentication

Prior to starting the vetting process, the individual must be authenticated through the separate recruitment (or sponsorship) process.

5.2. Commencement of vetting

The vetting process should not begin until the recruitment and assessment stages of the onboarding process have been completed. Vetting will always be conducted as close as possible to the start of an individual's appointment or employment, so as to ensure that current information and risks are considered.

5.3. Monitoring disproportionality

Vetting application outcomes must be monitored to establish whether there is a disproportionate impact on under-represented groups. Where disproportionality is found, this should be examined to determine what steps, if any, can be reasonably taken to counter this.

5.4. Barred and advisory lists

Where an individual is dismissed from policing, their details must be entered onto the police barred list, in accordance with the legislation. Similarly, if an individual resigns or retires while they are the subject of a gross misconduct investigation, their details must be entered onto the advisory list and maintained for as long as required by the legislation.

Vetting will check whether an individual is a 'barred person' and if so, they cannot be appointed to or employed in policing. Similarly, consideration will be given to the risks regarding an individual on the police advisory list.

5.5. Compliance with APP

Under section 39A of the Police Act 1996, chief officers must have regard to this statutory Vetting Code of Practice.

Forces are expected to have regard to APP in discharging their responsibilities and the standards adopted. This is the standard for police vetting and provides the operational guidance and detail on how to deliver vetting.

Any force (defined in section 1 of the Police Act 1996) conducting police vetting will be subject to inspection by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), as will any other force or agency by agreement where this code is adopted.

5.6. Vetting decision making

Vetting decisions should only be made at the appropriate level, usually the force vetting manager or nominated individuals.

Vetting decision making will be separate from, and independent of, recruitment and other Human Resource (HR) functions. There will be an effective working relationship between vetting and professional standards departments (PSDs), including counter corruption units.

In making the vetting decision, the decision maker should refer to the National Decision Model (NDM).

Having gathered the necessary information and intelligence, each case must be decided on its own merits, taking all relevant information into account. Assess the risks posed by the individual to the public and the police service, giving consideration to threats, vulnerability and impact. In making a decision, this does not establish a precedent, as each case is considered on its own merits.

In making vetting decisions where adverse information has been considered, the decision maker must apply the vetting test.

1. Are there reasonable grounds for suspecting that the applicant, a family member or other relevant associate:

- is, or has been, involved in criminal activity
- has financial vulnerabilities (applicant only)
- is, or has been, subjected to any adverse information

2. If so, is it appropriate, in all the circumstances, to refuse vetting clearance?

Vetting decision makers must take account of the requirements of relevant legislation (such as the Criminal Procedures and Investigation Act 1996 and the Rehabilitation of Offenders Act 1974) and associated guidance (such as chapter 18 of the Crown Prosecution Service Disclosure Manual).

5.7. Adverse or other information

Forces may review or renew any clearance before the review or renewal date. They must do so if adverse information comes to light relating to the individual, or if there is a material change in an individual's personal circumstances.

If a person working in policing is unable to hold the required vetting clearance to perform their role, the force will consider an alternative suitable role with a lower level of vetting clearance. If such a role is not available or clearance cannot be granted at the lowest level, the individual will be subject to dismissal proceedings, as vetting clearance is a requirement of their role.

5.8. Risk mitigation strategies

Where vetting clearance is granted following consideration of adverse information, risk mitigation strategies must be considered. These will be developed in conjunction with the Counter Corruption Unit, PSD and HR, as appropriate.

Risk mitigation strategies must be achievable, reasonable, proportionate and justifiable, with responsibilities clearly defined. All risk mitigation strategies must be subject to robust oversight and review.

In the interests of transparency, the subject can be notified of any risk mitigation, strategies or condition, particularly where it places a duty or obligation upon an individual, unless there is a justifiable reason where this is not practicable, such as where covert tactics are used.

5.9. Integrity checks and change of circumstances

In line with corruption prevention policies and associated compliance measures, ongoing integrity checks will be undertaken on all those working in policing. This will include the opportunity to identify whether there is any change in an individual's circumstances that may have an impact on their vetting clearance and, if so, to take appropriate action.

There will be a clear process for timely reporting of changes in circumstances that may have an impact on a vetting clearance, coupled with regular communication to remind individuals of their responsibility in this regard, along with the types of change of which they should be aware.

5.10. Vetting and misconduct

Following the conclusion of misconduct proceedings that result in a sanction other than dismissal, an individual's vetting clearance will be reviewed. This does not preclude a decision to review a vetting clearance, even where no sanction is given (see the section above on 'Adverse or other information'). This review can result in the clearance being:

- granted
- granted with conditions
- downgraded (with or without conditions)
- declined

If a person working in policing is unable to hold the required vetting clearance to perform their role, the force will consider an alternative suitable role with a lower level of vetting clearance. If such a role is not available or clearance cannot be granted at the lowest level, the individual will be subject to dismissal proceedings, as vetting clearance is a requirement of their role.

For those working in policing, if it is identified there has been a change of circumstances that has not been reported to the vetting unit in accordance with force procedure, or if information has not been disclosed on a vetting form that should have been, the force may consider whether a referral for misconduct investigation is appropriate.

5.11. The rebuttable presumption

Public confidence may be affected if a person working in policing has a conviction or caution. There is a rebuttable presumption, subject to the conditions of the Rehabilitation of Offenders Act, that a person will not be suitable to hold vetting clearance if they have a conviction or caution for a criminal offence, especially if it:

- relates to dishonest or corrupt practices
- relates to violence
- demonstrates a targeting of persons due to their vulnerabilities or protected characteristics

Factors that may weigh against this presumption being applied in individual cases include:

- the nature and severity of the offence
- the person's age at the time they committed the offence
- the length of time since the offence was committed

Each case must be considered on its own merits, including both the individual's role in the offence and the nature of the conviction or caution.

Vetting clearance for a police officer, a special constable or a member of police staff is to be rejected in all cases where either:

- offences were committed as an adult or juvenile that resulted in a prison sentence (including custodial, suspended or deferred sentences and sentences served at a young offenders' institution or community home)
- the individual is, or has been, a registered sex offender or is subject to a registration requirement in respect of any other conviction

5.12. Maintaining records

Forces must record:

- information provided by the individual making the vetting application
- the results of vetting enquiries
- where adverse information has been revealed and considered
- a clear rationale

Forces must retain records in line with data protection and management of police information requirements. A full rationale must be recorded in accordance with the NDM where vetting clearance is:

- granted with conditions, such as risk mitigation strategies
- withdrawn
- declined

This should include reference to Vetting APP and how it applies to the particular circumstances of the case being considered.

All decisions where adverse information has been considered, including cases where the subject has previous criminal convictions, must be clearly identifiable within vetting case management systems.

5.13. Decision making assurance

Vetting decisions will be subject to a periodic sample audit.

The purpose of the audit will be to provide assurance over proportionality of decision making, quality of rationale and whether risk mitigation strategies are appropriate and manageable.

5.14. Transferees, re-joiners and delayed start

When those working in policing apply to transfer to another force (which is serviced by a different vetting unit), the parent force will provide all relevant information on the transferee requested, to enable an effective assessment of risk in the process of conducting a full re-vet of the transferee.

If an individual applying to transfer is currently subject to a misconduct investigation, agreement to the transfer must be sought from the Head of Professional Standards or the appropriate authority, for both the parent force and receiving force.

If a transferee is declined, then the force making that decision must notify the parent force of that decision and their reasons. A review must take place by the parent force.

Those applying to re-join policing, having left, for example, through retirement or other employment, must be fully re-vetted prior to commencing working in policing.

Where there is a delay in employment or service, and where this has not commenced within six months following a vetting clearance being given, the individual must be re-vetted. Vetting should take place as late as possible in the recruitment process to ensure that any current risks are assessed.

5.15. Appeals

Whenever vetting clearance is declined, granted with conditions or withdrawn, the individual will have the right to appeal through a process that is independent of the original decision.

The appeal process is able to consider all options. It may conclude any option that it considers reasonable and proportionate, including refusal and removal of any clearance.

The individual will have a right to be provided with a rationale for any vetting appeal decision if they request it, which should satisfactorily explain the reasons unless exemptions apply.

5.16. Vetting levels

The force must hold details of all posts within the force showing:

- the officer or staff member who occupies the post
- the level of vetting clearance required for the post
- the level of vetting clearance held by the post holder (the vetting clearance required is related to identified risks and not the grade or rank of a post)
- the renewal date of that clearance

Any review of the responsibilities of a post or job description will require a review of the appropriate vetting level for that post.

5.17. Non-police personnel

All individuals who are not directly employed by, or appointed to, a police force who require unsupervised access to police premises, systems, information or other assets must be vetted to the appropriate level.

Individuals who are provided police information by the police in the course of their professional duties, solely for the purpose of performing those duties (where that information is not obtained

through direct access or searching police systems themselves), are not required to be subject to police vetting.

Under no circumstances can the requirement for police vetting be negated by a clearance conducted under any other vetting regime.

5.18. Review of vetting clearances

All vetting clearances are granted for a defined period of time. On expiry, if still required, the individual will be subject to full re-vetting.

All vetting clearances will be managed to ensure ongoing suitability for clearance, which includes the review process.

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Tags

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