

GWENT POLICE
FORCE VETTING POLICY



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1.0 Policy Identification Page

Policy Title: Force Vetting Policy

Reference: 101/11 a issue 2

Underlying Documents: Manual of Protective Security

Policy Ownership: Standards Unit

Portfolio/Business Area Owner: ACPO Operations Support

Policy Written By: Personnel Officer – Standards Unit

Department Responsible: Standards Unit

Policy Lead: Head of Standards Unit

Links to other Policies: Information Security, Data Protection, Freedom of Information

Procedures linked to this policy are:

- Basic Check (BC)
- Counter Terrorist Check (CTC)
- Security Check (SC)
- Developed Vetting
- Recruitment Vetting
- Non Police Personnel Vetting
- Procedural Issues
- After Care
- Appeals Process

Policy Implementation Date: 1st issue, 25th October 2004 ST and CG
2nd issue PSG 7th June 2006. reviewed October 09

Policy Review Date: Two years from review

2.0 Policy Statement & Intentions

Principle & Scope of Policy:

STCG
Implementation date
25th October 2004

NOT PROTECTIVELY MARKED

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- 2.1.1 The purpose of this policy is to provide structured and accountable Processes for the vetting of Police Officers, Police Staff, members of the Special Constabulary, Police Community Support Officers, Contractors, Volunteers and members of other agencies and partnerships working with the Force. The primary objective of the policy is to safeguard our criminal intelligence, operational and financial assets and to preserve the safety and welfare of our staff and those with whom we work in partnership.
- 2.1.2 The Force is committed to the maintenance of high levels of honesty and Integrity, and to the prevention and disruption of dishonest, unethical and unprofessional behaviour. This policy supports that commitment by creating an understanding of the principles of vetting in the Force, thereby establishing uniformity in vetting procedures. A consistent approach, in line with the measures outlined in this policy, will allow all police employees, partner agencies, contractors, or other non-police personnel, to transfer or operate within Areas and Departments and within other forces or agencies with a minimum of duplication of vetting procedures, whilst maintaining high professional standards.
- 2.1.3 In the application of this policy, the police community will not discriminate against any persons regardless of sex, sexual orientation, disability, race, colour, language, religion, political, or other opinion, national or social origin, association with national minority, property, birth or other status as defined under Article 14, European Convention on Human Rights (ECHR). Consideration has also been given to the compatibility of the policy and related procedures with the Human Rights Act; with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and the outcome of the actions.

SCOPE

- 2.1.4 There are currently two types of vetting within Gwent Police, National Security Vetting and Force Vetting. The purpose of National Security Vetting is to protect sensitive government national security assets, by providing an acceptable level of assurance as to the individuals who have access to protectively marked government assets and / or who require

access to persons, sites and materials, at risk of terrorist attack. The purpose of Force Vetting is to provide a similar level of assurance as to the integrity of individuals who have access to sensitive criminal intelligence, financial or operational police assets.

Vetting levels are categorised as follows:

- Basic Check (BC)
- Counter Terrorist Check (CTC)
- Security Check (SC)
- Developed Vetting
- Recruitment Vetting
- Non Police Personnel Vetting

2.2 Aims of Policy

Gwent Police aims to ensure that all staff recruited to the Force are of the highest integrity and assist the Chief Officers to fulfil their responsibilities to maintain and efficient and effective force.

3.0 Introduction

3.1 Origins/Background Information

This policy has been written to comply with the requirements of the ACPO National Vetting Policy for the Police Community.

The Police Service has historically relied on recruitment vetting and National Security vetting to assure the reliability of members of staff and for safeguarding police and government assets. However, recruitment vetting alone is no guarantee of reliability for careers that sometimes span over thirty years. Similarly, the higher levels of National Security vetting were not designed to protect the assets of the police service, and touch only a relatively few members of staff. In recent years the risks have changed due to the increased use of computer systems, partnership working, and our growing reliance on a plethora of contractors, consultants, researchers and others who require daily access to police sites, systems and information to carry out their duties.

The extensive integrity and anti-corruption work that has been undertaken since the HMIC report on Police Integrity (1999) has shown that, unfortunately, there are those within the Police Community (albeit a small percentage), who either do not have the ability, determination or integrity to uphold the high ideals and standards of the police service, or who have been compromised in some way to betray it.

Whilst other policies, such as Service Confidence, have been introduced to deal with individuals where problems are identified, the National Vetting policy seeks to provide a pro-active means of identifying appropriate levels of assurance and reliability for all members of staff, concentrating mainly on those who are placed in the most sensitive positions of trust. It is believed that by being pro-active in our approach we will reduce costs in the longer term by reducing the need for expensive Professional Standards investigations.

3.2 Motivators/Driving Forces

3.2.1A comprehensive and proportionate vetting strategy will assist Chief Officers to fulfil their responsibilities to maintain an efficient and effective force, as required under the Police Act 1996. It will also assist in compliance with Principle 7 of the Data Protection Act 1998, the requirements of the Health and Safety at Work Act 1974, Section 8(1) of the Secrets Act 1989, Section 115 Crime and Disorder Act 1998, and Section 82 Police Reform Act 2002.

3.2.2 Effective vetting procedures for recruitment and for high risk posts are key elements of the ACPO Corruption Prevention Strategy, which was published in April 2000. (see paragraphs 9 and 10 of the Strategy paper entitled – ‘A Document to Assist Chief Officers Assess the Vulnerability of their Force to Corruption’).

3.3 The Legal Basis and Legitimate Aims

The legal basis for this policy can be found within the following:

Police Act 1996
European Convention on Human Rights (ECHR)
Official Secrets Act 1989
Health & Safety at Work Act 1974
Data Protection Act 1998
Crime and Disorder Act 1998
Police Reform Act 2002

4.0 Implications of the Policy

4.1 Financial Implications/Best Value

- 4.1.1 As the procedures for National Security Vetting are stipulated by Government, forces are required to comply with the procedures outlined in the Manual. This policy has been drafted to ensure that the Force Vetting procedures are compatible with the National Security Vetting requirements, and that both can be completed in the most efficient and cost effective manner.
- 4.1.2 In considering the cost benefit of the Force vetting procedures, it should be recognised that to appoint individuals to posts within the police community, (both recruits and existing staff), who subsequently fail to meet the required level of skills, honesty and integrity, will have an adverse effect on forces' ability to meet their performance targets. Such appointments are also likely to divert resources to expensive and protracted PSD investigations, and increase costs relating to suspensions, welfare support, failed prosecutions, employment tribunals and other civil actions.
- 4.1.3 The requirement to implement Management Vetting provides an impetus to draw together the different vetting procedures into a centralised structure to meet the requirements of Data Protection and Human Rights legislation. Under this structure the Force Vetting Officer will be responsible for Co-ordinating all vetting policies and procedures. This is regarded as the most cost effective and practical means of carrying out the vetting requirements. Resources for creating a centralised structure can be offset by re-deploying those currently engaged in the administration of Recruitment Vetting, the NPPV process, and National Security Vetting.
- 4.1.4 Force Vetting Officers require administrative support to ensure that all vetting applications for which they are responsible, are logged, dates recorded for the dispatch and return of completed questionnaires, details kept in respect of all checks carried out, details of when clearances have been granted or refused, and the management of the appeals process. Records are also required for the monitoring of annual assessments and vetting renewals, subject interviews, and the management of personal vetting files.

4.2 Human Resources/Training

Trained staff will be required to obtain accreditation for Parasol (The National Security Vetting System), and will be subject to quality assurance checks by the Home Office.

There will be a need for additional training on a number of applications where extra security checks are required.

4.3 Strategic Plan Links

This policy aims to ensure it contributes to delivering justice in a way, which secures and maintains public confidence.

4.4 Diversity

In the application of this policy consideration must be given to the possible social impact of this policy on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this policy.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability - Disability Discrimination Act 1995
- Gender – Sexual Discrimination and Equal Pay Act 1971
- Age – Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation – Article 13 Treaty of Amsterdam (2003)
- Religion – Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

4.5 Links to Other Policy/Procedures

Information Security
Data Protection

4.6 Consultation

Police Authority
ACPO
Divisional Departmental Heads
Staff Associations
Gwent Woman Police Association
Gwent Black Police Officers Association
Gwent Police Disability Group
Welfare Officer
Freedom of Information Officer
Information Security
Data Protection

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 1
Article 3
Article 8
Article 9
Article 10
Article 11
Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

As vetting is intrusive there is always the potential to discriminate but if the procedures outlined in this policy are implemented in a proportionate manner it is unlikely that any infringement of the individuals rights will occur but:

" In the application of this policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your policy?

See section 3.3

Q2. Does the policy provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this policy? Restrictions on the rights protected in articles 8 - 11 in

the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

Q3. How are staff made aware of the clearly defined decision making processes?

These are contained in the vetting procedure linked to this document and which can be found via the policies site intranet.

Q4. What are the minimum standards of documentation in relation to decision making?

These are contained in the vetting procedure to this document

Q5. How does your policy provide guidance on the justification for actions and assessment as to whether the action is the least intrusive?

These are contained at 2.1.2 of this document

5.3 Rights, Publication, Audit and Inspection

Q1. What right to make representation and appeal process are available?

There is an appeals procedure to this policy.

Q2. Apart from the Gwent Police Publication Scheme how is the policy made available to the public?

Copies of this policy can be obtained from the Standards Department Police Headquarters on request.

Q3. What internal review and audit process is in place or is proposed?

This policy has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the

application of the Act.

Q4. What external independent scrutiny is recommended?

This policy document will be available for scrutiny by HMIC and Police Authority.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this policy and related procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this policy under ECHR which cannot be resolved.

This policy has been vetted

6.0 Promotion and Distribution

This Policy and associated procedures will be published in Force General Orders and copies of the Policy and associated procedures will be available on the Force Intranet and also on the Standards Unit Web Page.

This Policy will also be made available to the public on the Force Internet site under the Freedom of Information Legislation.

7.0 Monitoring / Review

7.1 Monitoring

Monitoring will be undertaken to ensure fairness, consistency of approach and proportionality by a nominated Senior Officer. The process will be to 'dip-sample' the decisions made to grant, refuse, limit or withdraw vetting clearances under the procedures subject of this policy.

This activity should be carried out at least every 12 months.

The policy and associated procedures will be reviewed by the Force Vetting Officer annually.