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SCOTTISH POLICE

AUTHORITY



POLICE
SCOTLAND

Vetting

Manual of Guidance

30.11.2022

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Part 1 Introduction

1.1 Introduction

The Police and Fire Reform (Scotland) Act 2012 Section 32 (a) provides that the main purpose of policing is to improve the safety and wellbeing of persons, localities and communities in Scotland. Section 33 of this Act identifies strategic police priorities which include the need to protect people by preventing crime, reducing fear of crime and improving public confidence in policing.

1.1.1 Vetting is conducted in the police service to help identify, assess and manage risk relating to areas including, but not limited to:

- national security
- public safety
- public confidence
- protection of organisational assets
- operational safety
- leadership
- corruption/coercion
- integrity

1.1.2 A thorough and effective vetting process is a key component in assessing an individual's honesty and integrity. By identifying those who might pose a risk, vetting acts to prevent crime or harm and to protect members of the public against improper conduct by people working for, on behalf of, or in partnership with the Scottish Police Authority (SPA) or Police Scotland. The process will reassure the public that appropriate checks are conducted on individuals in positions of trust and support public confidence. In this way, vetting will help achieve the lawful purpose of the Police and Fire Reform (Scotland) Act 2012.

1.1.3 Whilst vetting is an important process for enhancing the integrity and security of the SPA/Police Scotland, it cannot be used in isolation. To be fully effective it must be supported by the wider Information Security Policy and an organisational security culture.

1.2 Equality Statement

1.2.1 The SPA/Police Scotland are committed to:

- 1.2.2 The promotion of equality, diversity and dignity. We recognise the right of individuals to be treated with dignity and respect, and our responsibilities in ensuring equality of opportunity.
- 1.2.3 Applying the principles of the European Convention on Human Rights and the Human Rights Act 1998 and seeking to ensure that these principles are embedded in all interactions.
- 1.2.4 Compliance with the statutory requirements laid down in the Equality Act 2010 and ensuring delivery of the specific duties in respect of the Public Sector Equality Duty.
- 1.2.5 The SPA/Police Scotland aim to build an inclusive and flexible workforce which reflects the communities we serve. Vetting officers should ensure they are aware of and understand the significance of unconscious bias and that it does not impact upon their vetting decision.

1.3 Deviation from Guidance

- 1.3.1 All decisions and recommendations made should be consistent with this guidance. Any deviations from this must be authorised at chief officer level (ACC/Director or above)

1.4 Data Protection/Records Management

- 1.4.1 Vetting involves the general processing of personal data. The handling of this data must comply with legal requirements and Police Scotland procedures.
- 1.4.2 Information gathered and used in connection with the vetting process should be retained in accordance with the Records Retention SOP.

Part 2 Vetting Types

2.1 Vetting Types

2.1.1 There are a number of vetting types which reflect the requirements of different roles.

2.2 Recruitment Vetting

2.2.1 Recruitment Vetting (RV) clearance is the minimum level required for all applicants seeking appointment as police officers or employment as members of staff in SPA/Police Scotland.

2.2.2 Individuals must have RV clearance before being appointed or offered employment. This includes transferees from other forces.

2.2.3 Successfully attaining RV clearance allows access to police systems, assets, premises and classified information up to CONFIDENTIAL or OFFICIAL-SENSITIVE with occasional access to SECRET.

2.2.4 Following guidance from the Information Commissioner's Office, RV checks should only be commenced after the applicant has passed the final stages of the recruitment process.

2.2.5 Applicants should not be encouraged to disclose adverse information other than in the vetting process. Where an applicant spontaneously discloses adverse information during the recruitment process or it is established they have previously been refused vetting clearance, details of this can be submitted to the FVU for an early assessment. The assessment can be confined to the information revealed or may involve full checks where considered appropriate.

2.2.6 This early assessment is to ensure fairness to an applicant going through the recruitment process where it is apparent they may be refused vetting clearance.

2.2.7 Where agency staff are being made permanent, they should be re-vetted to RV level. Police officers retiring and re-joining as SPA/Police Scotland staff should also be re-vetted due to the passage of time since their last vetting.

2.3 Minimum Checks Required for RV:

2.3.1 Checks on the applicant; applicant's partner (and any ex-partner(s) from previous five years); applicant's parents (including adoptive and/or step parents); applicant's

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children (including adopted or step-children); applicant's siblings (including adoptive and/or step siblings); associates of the applicant; co-residents in the applicant's home:

- Scottish Criminal History System (SCHS)
- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Crime Report System
- Interim Vulnerable Person Database (iVPD) (checks on applicant and applicant's partner, applicant's children, former partners and co-residents if applicable)

On the applicant only:

- Vetting Database
- Credit Reference Check
- Open Source e.g. search engines, social networking sites (open source checks may be carried out on others to corroborate information from the applicant)
- Professional Standards Department (PSD)*
- Anti-Corruption Unit (ACU)*
- Voters Roll
- Ministry of Defence (MoD) Checks (where applicable)
- Business Interest/Secondary Employment check
- Overseas Criminal Record Check/Clearance Certificate (where applicant meets the residency qualification but identifies a period of residency outside of the UK this may be required)

Children under 12 years of age will only require a check on iVPD. Other systems can be checked if information found in the vetting process suggests this may be required.

Where a person named on an application has been deceased for five years or more from the date of application, no vetting checks are required unless information found in the vetting process suggests this may be required.

Where a deceased person has died within the last five years, checks will be undertaken on CHS, PNC, SID, PND and NCIA. Other systems may be checked if information found in the vetting process suggests this may be required.

*Checks on PSD and ACU databases are on the applicant and the applicant's address. (Checks also undertaken on the applicant's partner if the partner is a serving or ex-police officer/staff member).

2.4 Management Vetting

- 2.4.1 Management Vetting (MV) clearance is a requirement for all individuals who are in a designated post.
- 2.4.2 Designated posts are those posts with access to sensitive information, intelligence, financial or operational assets. Assets might include certain IT systems and entry to sensitive police premises may be a consideration.
- 2.4.3 The purpose of MV is to ensure that individuals serving in designated posts have been assessed as to their reliability and integrity. In order to grant MV clearance the SPA/Police Scotland should have complete and unequivocal trust in the individual concerned. This serves to reduce the risks of unauthorised disclosure or any loss or misuse of sensitive police assets which may pose a risk of serious damage to the SPA/Police Scotland.

2.5 Definition of 'Serious Damage'

- 2.5.1 Serious damage to SPA/Police Scotland is defined as that which may:
- hinder or impede the prevention and detection of serious, organised or major crime
 - hinder or impede the apprehension or prosecution of such offenders
 - cause significant financial loss to the force
 - involve the unlawful or inappropriate awarding of contracts
 - otherwise adversely affect the operational capability, reputation or security of the force.
- 2.5.2 For individuals recruited directly into a designated post, the RV process and the MV process should be run as one with the additional MV checks undertaken at this time. It will be recorded that the applicant holds both RV and MV clearances.
- 2.5.3 MV is a pre-cursor to obtaining National Security Vetting (NSV). SPA/Police Scotland personnel must have MV clearance before they are put forward for NSV.
- 2.5.4 SPA/Police Scotland will have a list of designated posts which will be periodically reviewed to ensure the information is up to date.
- 2.5.4 The determination of which posts should be designated is not in itself a vetting decision, although advice can be given by the FVU. Advice is also available from the Information Security Manager at [REDACTED]

2.6 Determination of Designated Posts

2.6.1 It is the responsibility of business areas to determine the correct level of vetting for specific posts. Advice may be sought from the FVU on request.

2.6.2 In determining whether a post might require to be a designated post, the following factors should be considered:

- level of access to intelligence concerning covert/sensitive operations
- level of access to sensitive locations or facilities, for instance IT infrastructure
- access to source material and true source identities
- access to information relating to high-profile/sensitive matters e.g. royal visits or critical national infrastructure
- level of access to highly sensitive personal information
- level of influence over the management and/or awarding of contracts
- level of dealings with financial matters such as control of budgets, authorisation of payments, receipt of income
- level of access to highly sensitive material concerning the police service e.g. specialist tactics
- nature and extent to which the role requires working with vulnerable people.

2.6.3 All individuals with long-term, frequent and uncontrolled access to SECRET and occasional access to TOP SECRET information must hold MV clearance.

2.7 Following a Decision to Grant Clearance

2.7.1 When individuals are notified that vetting clearance has been granted, they will be notified of:

- their responsibilities for protecting both force and national security assets
- the requirements of the Data Protection Act 2018, Official Secrets Acts 1989, Computer Misuse Act 1990, force security policies and procedures
- the obligation placed on them to report any significant changes in their personal and financial circumstances.

2.7.2 The FVU will ensure that where clearance is granted with any reservations or limitations these are clearly recorded. The FVU must inform individuals of any restrictions and provide them with an explanation on request. They will also make the individual aware that their senior line management will be notified of any restrictions.

2.7.3 There may be circumstances when information relating to a vetting decision is withheld from an applicant. This can include cases where:

- notification could prejudice a criminal or disciplinary inquiry
- disclosure would breach the Data Protection Act 2018 or other legislation
- information has been provided in confidence by third parties during vetting enquiries.

2.7.4 Where third party information is involved, the FVU should only disclose such information to an applicant if the person who provided the information agrees to its disclosure.

2.8 Other Considerations

2.8.1 When considering the employment of volunteers, agency staff or work placements in a designated post, the advice of the FVM should be sought.

2.8.2 MV clearance is a prerequisite of appointment to a designated post. Individuals who refuse to undertake the procedure will not be considered for appointment.

2.8.3 Individuals already in post will be encouraged to take part in the process but if they refuse or fail the vetting process, the individual's management will assess the risk and decide whether it is practical to manage them in the workplace. It may be necessary, for instance, to prevent or reduce their access to sensitive material. Advice may be sought from the FVM and the Information Security Manager.

2.8.4 Police officers who refuse to undergo the procedure and cannot be managed in post must be transferred to other duties.

2.8.5 The contractual conditions of SPA/Police Scotland staff members may make their redeployment more difficult and may, in some cases, require termination of their contract. Any decision to terminate a contract would be made following the Capability Procedure.

2.8.6 Where individuals are already in post, they will be permitted to remain in designated posts whilst the vetting procedure is conducted. Individuals should not, however, be transferred or appointed until after vetting clearance has been granted.

2.9 Minimum Checks Required for MV:

2.9.1 Checks on the applicant; applicant's partner (and any ex-partner(s) from previous five years); applicant's parents (including adoptive and/or step parents); applicant's children (including adopted or step-children); applicant's siblings (including adoptive and/or step siblings); associates of the applicant; co-residents in the applicant's home:

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- Scottish Criminal History System (SCHS)
- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Crime Report System
- Vulnerable Person Database (VPD) (checks on applicant and applicant's partner, applicant's children, former partners and co-residents if applicable)

On the applicant only:

- Vetting Database
- Credit Reference Check (may include spouse/partner of applicant if necessary)
- Vetting - Financial Questionnaire Form 037-009
- Open Source e.g. search engines, social networking sites (open source checks may be carried out on others to corroborate information from the applicant)
- PSD database*
- ACU database*
- MoD Checks (where applicable and indicated by PND or other systems)
- Overseas Criminal Record Check/Clearance Certificate (where applicant meets the residency qualification but identifies a period of residency outside of the UK this may be required)
- Business Interest/Secondary Employment check
- Information from current and former supervisors to cover a minimum 12 month period

Children under 12 years of age will only require a check on iVPD. Other systems can be checked if information found in the vetting process suggests this may be required.

Where a person named on an application has been deceased for five years or more from the date of application, no vetting checks are required unless information found in the vetting process suggests this may be required.

Where a deceased person has died within the last five years, checks will be undertaken on CHS, PNC, SID, PND and NCIA. Other systems may be checked if information found in the vetting process suggests this may be required.

*Checks on PSD and ACU databases are on the applicant and the applicant's address. (Checks also undertaken on the applicant's partner if the partner is a serving or ex-police officer/staff member).

2.9.2 Where an individual is directly appointed or recruited into a post which requires MV, there is no requirement for the individual to also undergo a separate RV process. The MV process will serve that purpose and when clearance is granted it will be recorded that the individual has attained both RV and MV clearances.

2.10 National Security Vetting

2.10.1 National Security Vetting (NSV) may be applied where an individual may have access to sensitive assets (physical, personnel or information) at risk from a wide range of threats. These threats include: terrorism, espionage, or other actions that could threaten the UK.

2.10.2 Whilst the information required and the range of checks undertaken at each level may vary, they are all intended to allow government departments/agencies, the armed forces and police forces to assess whether individuals who are to be employed in sensitive posts or critical functions might represent a security risk either directly or indirectly.

2.10.3 Where police officers or staff have access to sensitive assets as described above, they may require NSV clearance. The decision whether to undergo NSV must be proportionate and must reflect the level of access that person will have to classified material.

2.10.4 All SPA/Police Scotland personnel being put forward for NSV must first attain MV clearance. If MV clearance is not granted, no NSV application will be made. If non-police personnel are to be put forward for NSV, they must hold NPPV3 clearance.

2.10.5 Whilst there are similarities between police vetting and NSV, the decision-making criteria and the vetting enquiries involved draw on distinct information sources. It thus follows that the holder of NSV clearance conducted by a non-police organisation is not automatically entitled to access police assets or information (which might include police premises). Decisions on such access shall be made on a case by case basis in consultation with the Force Vetting Manager (FVM).

2.10.6 NSV is undertaken by Scottish Government officials in partnership with UK Security Vetting, a branch of UK Government. The FVU undertakes an administrative role in NSV.

2.10.7 There are currently four NSV levels. These are:

- Counter-Terrorist Check (CTC)
- Security Check (SC)

- Security Check (Enhanced) (SC (E))
- Developed Vetting (DV)

2.11 Counter-Terrorist Check

2.11.1 CTC clearance is required for individuals who are to be appointed to 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.

2.11.2 For the police service, this means all individuals and non-police personnel whose work involves access as described above.

2.11.3 The CTC process is contained in the enquiries for SC and DV. There is no requirement to conduct a separate CTC clearance for those who hold SC or DV.

2.12 Security Check

2.12.1 SC clearance is required for those individuals who are to be appointed to posts which require:

- Long-term, frequent and uncontrolled access to government assets marked SECRET.
- Occasional, supervised access to government assets marked TOP SECRET.

2.12.2 SC clearance is also required for individuals who:

- While not in such posts, will be in a position to directly or indirectly bring about the same degree of damage.
- Will have sufficient knowledge to obtain a comprehensive picture of a SECRET plan, policy or project.
- Are being considered for appointment where it would not be possible to make reasonable career progress without SC for access to government assets marked SECRET.
- Need access to certain levels of classified material originating from another country or international organisation.

2.12.3 SC clearance should not normally be required for:

- Occasional access to government assets marked SECRET in the normal course of business or during conferences, briefings or courses.
- Custody of a small quantity of government assets marked SECRET.
- Entry to an area where government assets marked SECRET are stored.
- Work in areas where government information at SECRET and TOP SECRET might be overheard.
- Use of equipment capable of handling government information marked SECRET provided that access controls are in place.

2.12.4 In the above circumstances authentication supported by RV or NPPV level 2 (full) or NPPV3 should normally be sufficient.

2.13 Security Check (Enhanced)

2.13.1 For access to certain sensitive material, SC (E) clearance may be required. SC (E) is an SC clearance supplemented by a review of personal finances. SC (E) should only be granted where access is required to code word material at SECRET level.

2.13.2 The review of personal finances is comparable to MV. Therefore, all police personnel who hold SC clearance and have been vetted in accordance with the requirements of MV can be SC (E) cleared if access to code word material is required.

2.13.3 The Scottish Government vetting unit should be advised of any SC (E) clearance by way of the Certificate of Examination, a current Vetting - Financial Questionnaire (037-009) and a Credit Reference Check. They will assess the risk, award the extended clearance and manage the Annual Security Appraisal exercise.

2.14 Developed Vetting

2.14.1 DV clearance is required for individuals who are to be appointed to posts which require:

- Frequent, uncontrolled access to government assets marked TOP SECRET.
- Access to TOP SECRET code word material.
- Frequent, uncontrolled access to Category I nuclear material.
- Access to certain levels of classified material originating from another country or international organisation.
- While in such posts, will be in a position to directly or indirectly bring about the same degree of damage.

2.14.2 DV clearance should not normally be required for:

- Occasional, supervised access to limited quantities of government assets marked TOP SECRET in the normal course of business or during conferences, briefings or courses.
- Custody of a small quantity of government assets marked TOP SECRET.
- Entry to an area where government assets marked TOP SECRET are stored.
- Work in areas where government information classified as TOP SECRET might be overheard.
- Use of equipment capable of handling government information marked TOP SECRET, provided that access controls are in place.
- Access to SECRET code word material only.
- Individuals in posts where there is a threat from serious organised crime (provided that MV is applied and ongoing management of the clearance is augmented by an annual security review).

2.14.3 In the above circumstances SC clearance should usually be sufficient.

2.15 Non-Police Personnel Vetting

2.15.1 Non-Police Personnel Vetting (NPPV) assesses the honesty, integrity, reliability, and overall suitability for clearance of non-police personnel who have unsupervised physical and/or remote access to any of the following:

- police premises
- classified police information and/or intelligence (electronic or hard copy)
- financial or operational assets
- police systems (such as corporate databases or data networks).

2.15.2 Non-police personnel include, but are not limited to:

- agency personnel
- policing partners, such as local authority staff
- independent custody visitors
- contractors, trades people, volunteers, consultants, auditors and researchers

2.15.3 There are four NPPV levels and consideration should be given to the level of access to premises, information, intelligence and other assets the individual will have. This will ensure that non-police personnel are not subject to a disproportionate level of vetting.

2.15.4 Individuals do not need NPPV if they are supervised whilst on police premises at all times and are not permitted access to police systems or classified material.

2.15.5 In some circumstances, police staff/officers may be based in accommodation owned by a partner agency. These premises may be used for a number of non-policing functions and police personnel might be in the minority. In some circumstances it may not be practical to vet all such personnel. The decision on whether to vet such personnel will be made on an ad hoc basis by a senior officer/member of staff. Advice on this should be sought from the FVM and the Information Security Manager.

2.16 Non-Police Personnel Vetting level 1

2.16.1 NPPV1 clearance grants unsupervised access to police premises but no access to classified police information or police systems.

2.16.2 NPPV1 personnel include; trades people; vehicle recovery operators; volunteers (dependent on role).

2.17 Minimum Checks Required for NPPV1:

2.17.1 Checks on the applicant only:

- Scottish Criminal History System (SCHS)
- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Crime Report System
- Vulnerable Person Database (VPD)

2.18 Non-Police Personnel Vetting level 2 (abbreviated)

2.18.1 NPPV2 (abbreviated) clearance grants unsupervised access to police premises and access to classified police information appropriate to the role and up to OFFICIAL-SENSITIVE (CONFIDENTIAL in former GPMS system). NPPV2 (abbreviated) clearance does not give access to police systems.

2.18.2 NPPV2 (abbreviated) includes partner agency workers who regularly share sensitive information and may also include those whose access does not include access to sensitive police premises.

2.19 Minimum Checks Required for NPPV2 (abbreviated):

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2.19.1 Checks on the applicant, applicant's partner (and any ex-partner(s) from previous five years), applicant's children (including adopted or step-children) and co-residents in the applicant's home:

- Scottish Criminal History System (SCHS)
- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Crime Report System
- Vulnerable Person Database (VPD)

Children under 12 years of age will only require a check on iVPD. Other systems can be checked if information found in the vetting process suggests this may be required.

Where a person named on an application has been deceased for five years or more from the date of application, no vetting checks are required unless information found in the vetting process suggests this may be required.

Where a deceased person has died within the last five years, checks will be undertaken on CHS, PNC, SID, PND and NCIA. Other systems may be checked if information found in the vetting process suggests this may be required.

2.20 Non-Police Personnel Vetting level 2 (full)

2.20.1 NPPV2 (full) clearance grants unsupervised access to police premises, classified police information and police systems appropriate to the role up to OFFICIAL-SENSITIVE, (CONFIDENTIAL in former GPMS system), with occasional access to SECRET.

2.20.2 NPPV2 (full) includes partner agency workers who are in close partnership with police officers and may also include those whose access is wide ranging or in premises which are sensitive.

2.21 Minimum Checks Required for NPPV2 (full):

2.21.1 Checks on the applicant; applicant's partner (and any ex-partner(s) from previous five years); applicant's parents (including adoptive and/or step parents); applicant's children (including adopted or step-children); applicant's siblings (including adoptive and/or step siblings); associates of the applicant; co-residents in the applicant's home:

- Scottish Criminal History System (SCHS)

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- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Crime Report System
- Vulnerable Person Database (VPD) (checks on applicant and applicant's partner, applicant's children, former partners and co-residents if applicable)

On the applicant only:

- Vetting Database
- Credit Reference Check
- Open Source e.g. search engines, social networking sites (open source checks may be carried out on others to corroborate information from the applicant)
- Voters Roll
- PSD database*
- ACU database*
- MoD Checks (where applicable and indicated by PND or other systems)
- Overseas Criminal Record Check/Clearance Certificate, (where applicant meets the residency qualification but identifies a period of residency outside of the UK this may be required)

Children under 12 years of age will only require a check on iVPD. Other systems can be checked if information found in the vetting process suggests this may be required.

Where a person named on an application has been deceased for five years or more from the date of application, no vetting checks are required unless information found in the vetting process suggests this may be required.

Where a deceased person has died within the last five years, checks will be undertaken on CHS, PNC, SID, PND and NCIA. Other systems may be checked if information found in the vetting process suggests this may be required.

*Checks on PSD and ACU databases are on the applicant and the applicant's address. (Checks also undertaken on the applicant's partner if the partner is a serving or ex-police officer/staff member).

2.22 Non-Police Personnel Vetting level 3

2.22.1 NPPV3 clearance grants unsupervised, unrestricted access to police premises, classified police information and police systems appropriate to the role up to SECRET with occasional access to TOP SECRET.

2.22.2 Those requiring NPPV3 clearance include individuals working alongside SPA/Police Scotland personnel who require MV. This might include ICT workers with substantial access to police systems, such as moderator rights, or those involved in major financial or procurement matters.

2.23 Minimum Checks Required for NPPV3:

2.23.1 Checks on the applicant; applicant's partner (and any ex-partner(s) from previous five years); applicant's parents (including adoptive and/or step parents); applicant's children (including adopted or step-children); applicant's siblings (including adoptive and/or step siblings); associates of the applicant; co-residents in the applicant's home:

- Scottish Criminal History System (SCHS)
- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Crime Report System
- Vulnerable Person Database (VPD) (checks on applicant and applicant's partner, applicant's children, former partners and co-residents if applicable)

On the applicant only:

- Vetting Database
- Credit Reference Check
- Vetting - Financial Questionnaire Form 037-009
- Open Source e.g. search engines, social networking sites (open source checks may be carried out on others to corroborate information from the applicant)
- Voters Roll
- PSD database*
- ACU database*
- MoD Checks (where applicable and indicated by PND or other systems)
- Overseas Criminal Record Check/Clearance Certificate, (where applicant meets the residency qualification but identifies a period of residency outside of the UK this may be required)

Children under 12 years of age will only require a check on iVPD. Other systems can be checked if information found in the vetting process suggests this may be required.

Where a person named on an application has been deceased for five years or more from the date of application, no vetting checks are required unless information found in the vetting process suggests this may be required.

Where a deceased person has died within the last five years, checks will be undertaken on CHS, PNC, SID, PND and NCIA. Other systems may be checked if information found in the vetting process suggests this may be required.

*Checks on PSD and ACU databases are on the applicant and the applicant's address. (Checks also undertaken on the applicant's partner but only if a serving or ex-police officer/staff member).

In all NPPV clearances, other systems can be checked if information found in the vetting process suggests this may be required to mitigate risk to Police Scotland.

2.24 NPPV Summary

NPPV1 clearance gives:

- unsupervised access to police premises

NPPV2 (abbreviated) clearance gives:

- unsupervised access to police premises
- access to classified police information up to OFFICIAL-SENSITIVE

NPPV2 (full) clearance gives:

- unsupervised access to police premises, including sensitive police premises
- access to classified police information up to OFFICIAL-SENSITIVE with occasional access to SECRET
- access to police information systems and assets

NPPV3 clearance gives:

- unsupervised access to police premises, including sensitive police premises
- access to classified sensitive police information up to SECRET and occasional access to TOP SECRET
- access to police information systems and assets
- access to sensitive police information and assets, such as source material, regular access to TOP SECRET or assets such as ICT systems

2.24.1 Every NPPV applicant must have an internal sponsor, e.g. Estates Department, Procurement, People and Development, who will act as the link between the FVU and the company/applicant.

2.25 Vetting Health Check

- 2.25.1 On occasion, applicants can receive vetting clearance but are not then immediately appointed or employed. In this situation it is conceivable that an applicant might offend or adverse information may arise after gaining clearance but before appointment or employment.
- 2.25.2 Where individuals have received vetting clearance in the previous 6 months there is no requirement to undertake vetting checks.
- 2.25.3 Where an applicant has received clearance but more than 12 months have elapsed, full vetting checks are required.
- 2.25.4 Between 6 months and 12 months the requirement to fully re-vet can be substituted by a vetting health check.

2.26 Minimum Checks Required for Health Check:

On the applicant only:

- Scottish Criminal History System (SCHS)
- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Crime Report System
- Vulnerable Person Database (VPD)
- Professional Standards Department (PSD)
- Anti-Corruption Unit (ACU)
- Where changes in personal circumstances are notified by the applicant, appropriate checks will be undertaken on any new information, e.g. full checks on a new partner.

Other systems can be checked if information found in the vetting process suggests this may be required.

2.27 General Vetting Information

- 2.27.1 Where individuals are escorted on police premises and have no access to classified police information or assets, they do not require force vetting.

2.27.2 Where an applicant has resided elsewhere in the UK, checks may be made with the relevant force(s) in the UK where necessary.

2.27.3 Any new systems developed which might hold information appropriate to the vetting process shall be included as required.

2.28 Vetting Checks – Bias

2.28.1 Vetting staff conducting enquiries or making decisions on a vetting application must declare to a supervisor any relationship with the applicant or any other person included in that application as soon as this relationship becomes apparent.

2.28.2 Vetting staff who have a relationship with an applicant or any other person included in a vetting application must not be involved in the processing of that clearance nor should they access any system relating to that vetting process.

2.28.3 The governing principle is that there must be no actual bias or the appearance of bias created by the involvement of a vetting officer in any particular vetting application.

2.29 Gender Recognition Act

2.29.1 Under Section 22 of the Gender Recognition Act 2004, it is an offence to disclose that someone is transgender.

2.29.2 For vetting purposes all previous names must be disclosed by the vetting subject, including those which might reveal that they have been through transition. There is no statutory protection for individuals who fail to disclose such information.

2.29.3 Where the vetting subject has undergone transition, care should be taken not to inadvertently reveal this. If it is necessary to make enquiries outside of the vetting unit, any previous and current names should be listed as if checks are required for two separate individuals. The applicant should not have any former details listed as a previous name.

2.29.4 Details of an applicant's transgender status will not be shared with anyone outside of the vetting unit.

2.30 Authentication

2.30.1 Authentication is not a formal security clearance but underpins all levels of vetting. It must be completed before the vetting process is started.

2.30.2 Authentication is used to confirm an individual's identity, nationality, employment eligibility and residency qualification. It does not allow access to classified police information, assets or unescorted access to police premises.

2.30.3 It is the responsibility of those undertaking the recruitment process, or the internal sponsor in the case of non-police personnel, to ensure authentication takes place and is recorded before vetting application forms are submitted to the FVU.

2.31 Supplier Vetting Checks

2.31.1 Where the SPA/Police Scotland enters into a commercial contract, for instance for the provision of goods or services, the supplier with which it contracts will be the subject of systems checks. These checks are to ensure that neither the SPA nor Police Scotland enters into a contract with a supplier linked to serious organised crime.

2.31.2 The supplier vetting process is not covered in this manual. For guidance on this, please consult the Supplier Vetting Manual.

2.32 Disclosure – Risk to Applicants

2.32.1 The results of checks on relatives and associates should not be disclosed to an applicant. On occasion, however, information found on third parties may indicate a level of threat or risk to an applicant.

2.32.2 Where that information suggests a real and immediate threat to life, the process outlined in the Threats to Life warnings SOP should be followed with urgency.

2.32.3 Where potential risk is indicated in the context of domestic abuse this should be dealt with by means of the Disclosure Scheme for Domestic Abuse Scotland (DSDAS) procedure.

2.32.4 Any other form of risk identified in the vetting process will be assessed on an ad hoc basis in the context of the duty to prevent crime, harm and disorder

Part 3 Appraisals, Reviews and Renewals

3.1 Appraisals

3.1.1 In order to assess an individual's ongoing suitability, those who hold MV will undergo an annual security appraisal. This process will also be used to assess ongoing suitability to hold NSV.

3.2 Minimum Checks Required for MV/NSV annual appraisal:

3.2.1 On the applicant only:

- Line Manager's Reference (from last 12 months)
- Scottish Criminal History System (SCHS)
- Police National Computer (PNC)
- Scottish Intelligence Database (SID)
- Police National Database (PND)
- National Common Intelligence Application (NCIA)
- Vulnerable Person Database (VPD)
- Professional Standards Department (PSD)
- Anti-Corruption Unit (ACU)
- Where changes in personal circumstances are notified by the applicant, appropriate checks will be undertaken on any new information, e.g. vetting health check on a new partner.

3.2.2 Other systems can be checked if information found in the vetting process suggests this may be required. If required, an interview may be undertaken.

3.2.3 Where a person has had more than one line manager in the preceding 12 months, references should be sought from all line managers in that period.

3.2.4 If adverse information is revealed the vetting risk assessment process will be used. Where evidence of potential misconduct/discipline is revealed by checks, this should be reported to the PSD Gateway Unit prior to any vetting decision being taken.

3.3 Reviews

3.3.1 Personnel who hold MV must report any relevant changes to their personal circumstances in writing to the FVU. They should not simply wait until their vetting appraisal is due. Relevant changes might include; a new partner, a new criminal association, a change in financial circumstances or a new business interest/secondary

employment. It is also the responsibility of line managers to ensure that the FVU is notified of relevant changes coming to their attention.

- 3.3.2 A clearance may be reviewed if adverse information comes to light relating to the applicant or there is a material change in an individual's personal circumstances. This review will include vetting checks on any systems considered relevant by the vetting officer.
- 3.3.3. When information regarding the suitability of an individual's vetting clearance comes to the attention of SPA/Police Scotland personnel, the FVU must be informed. The information will be treated with the appropriate level of sensitivity and security.
- 3.3.4 A personal interview with the applicant may be conducted by a vetting officer after any relevant change in circumstances becomes known.
- 3.3.5 These requirements also apply to holders of NPPV clearance. Changes in the personal circumstances of individuals holding NPPV clearance may affect their continued suitability to hold that clearance. They must, therefore, report in writing to the FVU any relevant changes.

3.4 Renewals

- 3.4.1 Police Scotland are currently consulting on a random sampling renewal process for officers and staff who hold RV clearance. Further information on this process will be added to the manual in due course.
- 3.4.2 All other forms of vetting require to be renewed. Renewal requires the applicant to undergo the entire vetting process anew.
- 3.4.3 The table below summarises the periods at which different vetting clearances should be renewed.

Clearance level	Renewal period
MV	7 years
CTC (police officers/SPA/police staff)	10 years
CTC (non-police personnel)	5 years
SC (police officers/SPA/police staff)	10 years
SC (non-police personnel)	7 years
SC (Enhanced)	7 years
DV	7 years
NPPV 1	3 years

OFFICIAL

NPPV 2 (abbreviated)	5 years
NPPV 2 (full)	5 years
NPPV 3	5 years

Part 4 Vetting – Specific Roles

4.1 Force Vetting Unit (FVU)

4.1.1 All individuals working within the FVU must:

- act with integrity, fairness and respect
- follow the terms of this guidance
- co-ordinate and manage all clearances
- ensure that applicants and serving individuals are aware of the obligations placed on them by this guidance
- maintain records detailing all clearances conducted by the FVU
- handle all information provided and revealed during the vetting process with appropriate levels of sensitivity and security
- ensure information is only released to third parties where necessary and proportionate.

4.1.2 Vetting officers require MV clearance and SC clearance.

4.1.3 Vetting should be conducted in a consistent and efficient manner. When a vetting clearance is withdrawn or refused and the applicant questions the decision, they should be provided with as much information as possible. Vetting officers must, however, bear in mind any restrictions imposed by information security considerations and data protection legislation.

4.2 Vetting of the Chief Constable

4.2.1 The SPA will be the decision-making body for approving the vetting clearance of the Chief Constable. The FVM will provide support and guidance to the SPA's chosen decision-maker(s) and will manage and co-ordinate enquiries regarding the Chief Constable's vetting clearance.

4.2.2 The vetting clearance of the Chief Constable may be transferable between forces upon the completion of a vetting health check.

4.2.3 The vetting clearance will be subject to annual aftercare. This will be managed and co-ordinated between the FVM and the appropriate representative of the SPA.

4.2.4 Appeals against a decision to withhold or withdraw vetting clearance for a Chief Constable will be heard by the SPA.

4.2.5 The Chief Constable will be vetted to MV and DV level.

4.3 Vetting of Other Chief Officers

- 4.3.1 Responsibility for completing the clearance of chief officers other than the Chief Constable will be delegated to the FVM. Chief Officers include Deputy Chief Constables, Assistant Chief Constables, the Chief Executive of the SPA and Director level personnel in the SPA and Police Scotland.
- 4.3.2 The Chair of the SPA Board or the Chief Constable, as appropriate, should be consulted over clearance decisions relating to chief officers on an exceptional basis and particularly where adverse information has been revealed or consideration is being given to refusing clearance or granting a clearance with restrictions.
- 4.3.3 Deputy Chief Constables should be cleared to MV and DV as they cover the duties of the Chief Constable in periods of absence.
- 4.3.4 Other chief officers, both police officers and SPA/Police Scotland staff, will be vetted to a minimum level of MV and SC. DV clearance may be applied where the post is identified as requiring this level of clearance.

4.4 Attendance at the Police National Assessment Centre and Senior Command Course

- 4.4.1 The minimum level of vetting for delegates from UK police forces attending the Police National Assessment Centre (PNAC) and Senior Command Course (SCC) is MV and SC.
- 4.4.2 It is the responsibility of SPA/Police Scotland to ensure that any delegates from the force are vetted to the required standard prior to attending.
- 4.4.3 The College of Policing will not accept any delegates from UK police forces on the PNAC or the SCC who are not vetted to the required standard.

4.5 Transferees, Re-joiners, Return from Career Break/Reinstatement

- 4.5.1 SPA/Police Scotland must ensure that checks are undertaken on the integrity of an individual returning to or re-joining the force. This also applies to those wishing to transfer into the force. These applicants should undergo the RV process.
- 4.5.2 This applies to:
 - Police officers and special constables transferring from another police force to SPA/Police Scotland.

- Police officers, special constables and SPA/Police Scotland staff who have resigned or retired from the force and wish to re-join at a later date.
- Police officers and SPA/Police Scotland staff returning from secondment (vetting requirement for these officers/staff to be determined on a case by case basis).
- Police officers and SPA/Police Scotland staff returning from a career break.
- Police officers, special constables and SPA/Police Scotland staff who have been dismissed and subsequently reinstated.

4.6 Transferees and Re-joiners

- 4.6.1 All transferees and re-joiners will undergo the full RV procedure. A vetting health check may be appropriate where vetting has taken place within the last year.
- 4.6.2 Where a transferee or re-joiner is to be deployed in a designated post, MV clearance will be required. If an individual already holding MV clearance transfers to Police Scotland, their MV status may be recognised and remain valid until the renewal date, subject to the satisfactory completion of an annual appraisal and a vetting health check. The force retains the right to require an individual to complete the full MV process.
- 4.6.3 Where an officer transfers into SPA/Police Scotland from another force, their previous vetting file(s) should transfer with them. This must include a check on that other force's PSD/ACU records.
- 4.6.4 Where adverse information is revealed concerning an officer who is applying to transfer into the force and where it is believed the parent force is unaware of this information, the parent force must be informed.

4.7 Return Following Reinstatement

- 4.7.1 Where individuals have been dismissed and subsequently reinstated, there is a requirement to re-vet them. This reflects that these individuals have been outwith the supervision of Police Scotland for a period of time.
- 4.7.2 Where individuals have received vetting clearance in the previous 6 months there is no requirement to undertake vetting checks.
- 4.7.3 Between 6 months and 12 months the requirement to fully re-vet can be substituted by a vetting health check.
- 4.7.4 Where more than 12 months have elapsed since an applicant's last vetting clearance, full vetting checks are required.

4.8 Return from Career Break

- 4.8.1 Where individuals have intimated their intention to return from a career break, there is a requirement to re-vet them. This reflects that these individuals have been outwith the supervision of Police Scotland for a period of time.
- 4.8.2 Where individuals have been on a career break of less than 6 months duration, there is no requirement to undertake vetting checks.
- 4.8.3 Between 6 months and 12 months the requirement to fully re-vet can be substituted by a vetting health check.
- 4.8.4 Where more than 12 months have elapsed since an applicant's last vetting clearance, full vetting checks are required.

4.9 Adverse Information

- 4.9.1 When individuals are returning to the force after a career break or reinstatement, they cannot be refused RV clearance. Where adverse information has been revealed from the period in question, the FVU must notify the circumstances to the PSD Gateway Unit in the case of police officers/special constables or People and Development in the case of SPA/Police Scotland staff. Consideration by these departments will assess whether the individual has breached regulations or their conditions of service.
- 4.9.2 Where an individual wishes to return to a role requiring MV, adverse information revealed might lead to this higher level of clearance being refused and RV granted. If the adverse information relates to NSV, liaison should take place with the appropriate Scottish Government official.
- 4.9.3 An individual's return or reinstatement cannot be delayed by the vetting process and as such it might be that the vetting process takes place even after an individual has returned or been reinstated.
- 4.9.4 Applicants who have been reinstated or who are returning from a career break cannot be prevented from returning to work for SPA/Police Scotland on the grounds of residency. Whilst the applicant may be considered to have lost their residency status during this time, they must be allowed to return to the force with measures put in place to manage any risk posed by their not having been resident in the UK. These measures might include an Overseas Criminal Record Check/Clearance Certificate and/or Credit Reference Check from the jurisdictions in which they have been resident.

4.10 Return from Maternity Leave or Ill-Health Absence

4.10.1 Individuals returning from maternity leave or an ill-health absence do not require re-vetting.

4.11 Secondees

4.11.1 Officers or staff being seconded from external forces to Police Scotland may require vetting. This will depend on how recently they had been vetted by their home force, the duration of the secondment and the nature of the role they are being seconded to undertake. Where vetting is required this will be either RV or MV depending on level of access required to sensitive material.

Part 5 Risk Assessment

5.1 Vetting Principles

- 5.1.1 The vetting process is governed by the guidance set out in this document. Nevertheless, each vetting application is dealt with on a case by case basis.
- 5.1.2 Vetting officers should consider whether there is a rational relationship between any adverse information found and the impact this might have on the force's aims to prevent crime, keep people safe and maintain public confidence in policing.
- 5.1.3 Vetting officers should follow the "Wednesbury Principles" which require that a vetting officer will:
- take into account all relevant considerations
 - not take into account an irrelevant consideration
 - not take a decision which is so unreasonable that no reasonable person properly directing him/herself could have taken it

5.2 Adverse Information – Risk Assessment

- 5.2.1 Force vetting checks can reveal adverse information relating to an applicant or a third party associated with the applicant. It is not possible to identify a prescriptive list of adverse information which should lead to a vetting refusal. Where adverse information relating to an applicant or an associate is revealed, a risk assessment should be undertaken.
- 5.2.3 The risk assessment should consider a number of factors:

Credibility

Are there reasonable grounds for suspecting that an applicant or a family member or associate of the applicant is or has been involved in criminal activity or other adverse conduct?

In assessing how credible information might be, it is not required to prove that it is true beyond all reasonable doubt. It is rather a question of whether sufficient information exists to show that, on the balance of probabilities, there are circumstances that would lead a reasonable person to consider that it is likely the information is true.

Information that is unlikely to be true should not form the basis of a vetting refusal.

There must also, at this stage, be an assessment of whether any conviction information is protected.

Relevance

How relevant is the adverse information to the role in question?

Police officers are in a unique position of authority and public expectations are high with regard to their conduct. Officers regularly interact with children and vulnerable people from a position of trust. They must treat people with fairness, integrity and respect and are required to be honest, trustworthy and to show restraint in the face of provocation. Adverse information indicating an applicant does not possess these qualities poses a clear risk to Police Scotland and will be relevant.

The roles occupied by police staff members are varied and many posts are in positions of trust and responsibility. In addition, as representatives of Police Scotland, public expectations are high with regard to their conduct. Adverse information which points to a lack of honesty and integrity will be relevant.

An assessment of risk must consider the issue of taint. The core principles of revelation oblige Police Scotland to reveal all information to COPFS that may be relevant to a criminal case. This includes the existence of criminal history records for all witnesses, including any officer or staff member, involved in a case. Where an applicant has a conviction or pending case, the assessment of risk must therefore consider whether the revelation of an applicant's convictions might pose a risk to any future proceedings.

In the case of non-police personnel, vetting officers must consider the nature of the role being undertaken and the relevance of any adverse information. Where access and interaction with the force is minimal, such as trades-people, or where access to classified police information and assets is at a low level, then the risk assessment should reflect this lower risk.

Where sensitive information is being shared with non-police personnel or where such personnel might be deployed by the SPA/Police Scotland, for instance recovery drivers or undertakers, more caution must be exercised given the environment where such personnel will be working.

When assessing risk, consideration should be given to the impact on the applicant of their vetting clearance being refused. However, this consideration must be weighed against any risk to the public or the SPA/Police Scotland.

Recency

How much time has passed since the matter took place? In general terms the risk diminishes with time, though a careful consideration of the gravity of any circumstances is also required.

The age of the applicant at the time of the incident is also a consideration. An offence committed as a juvenile might be assessed as posing less risk than one committed as an adult. As before, a careful consideration of the gravity of the circumstances is also required.

Frequency

How frequent is any offending behaviour or other adverse information? In some cases it might be reasonable to view information linked to an isolated incident less seriously than information linked to a series of incidents. Frequent offending is likely to indicate a disregard for the law and is a substantial risk factor. This should be considered alongside the recency of any offending conduct.

It should be noted that a single incidence of sufficient gravity might indicate that a refusal is appropriate.

Gravity

How serious was the matter? A range of factors will be considered when assessing the gravity of any adverse information found. These might include:

What was the level of any violence involved?

What was the likely impact on the victim?

Was the victim vulnerable?

Was dishonesty involved?

Was there a breach of trust/misconduct in a position of authority?

What was the value of any items stolen?

Was there a disregard for judicial sanctions (offences on bail, disqualified driving etc.)?

Was there a degree of recklessness causing harm or having a substantial risk of harm?

Was conduct likely to cause substantial fear or alarm?

Were there substantial aggravating factors? For example, hate crime, domestic abuse, offences against children etc. are very substantial risk factors.

Was there an adverse impact on the community?

What would be the likely impact on public confidence in the police?

What would be the reputational impact on the force?

Where adverse information has been assessed as being of a serious nature this will increase risk substantially and the rebuttable presumption is that refusal will be the appropriate course unless there are substantial mitigating circumstances. If a conviction is protected in law, it will not be used as the basis of any vetting decision.

Association

Adverse information can be revealed which relates to a third party associated with the applicant. That information will be assessed using the risk assessment outlined above. In addition to this, the nature and scope of the association will also require assessment. For more information, see the section on 'Information Relating to Third Parties' in this guidance.

5.3 Risk Assessment – Further Guidance

5.3.1 The following sections give further guidance on the assessment of adverse information from various sources.

5.4 Convictions

5.4.1 Convictions are a matter of public record and have been proven beyond all reasonable doubt. Conviction information is therefore assessed as wholly credible.

5.4.2 Section 4(3) of The Rehabilitation of Offenders Act 1974, ("the Act"), provides that convictions are 'spent' after certain periods of time, dependent on the sentence given. Where a conviction is spent, no consideration of it can be taken in a vetting risk assessment.

- 5.4.3 However, the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2020 (“the 2020 Order”) exempts police officer and police custody and security officer (PCSO) applicants from the requirements of the Act.
- 5.4.4 All convictions relating to a police officer or PCSO applicant can therefore be assessed as per the risk assessment outlined in this guidance.
- 5.4.5 Police staff applicants and non-police personnel are not exempt in this manner and some convictions must be disregarded as part of a vetting risk assessment. The disregard process is outlined below.
- 5.4.6 The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 (“the 2013 Order”) provides that persons employed for the purposes of a police force, namely police staff and persons appointed to assist in the carrying out of police functions, namely, non-police personnel are partially excepted from the Act.
- 5.4.7 In terms of police staff and non-police personnel, the exception is not complete. The Rehabilitation of Offenders Act 1974 (Exclusions & Exceptions) (Scotland) Amendment Order 2015 (“the 2015 Order”) creates the provision of ‘protected convictions’. The 2015 Order also creates two lists of various convictions, referred to here as Schedule A and Schedule B, and outlines when or if they might be protected.
- 5.4.8 Schedule A lists a range of the most serious offences. Where a person has been convicted of any Schedule A offence, this conviction is never spent or protected and may be a consideration in any vetting decision. The only exception to this is where a person has successfully applied to a Sheriff to have a Schedule A conviction removed from their criminal history.
- 5.4.9 Schedule B lists a range of offences which can be protected in certain circumstances.
- 5.4.10 These circumstances are:
- the conviction is spent in terms of the Act, and
 - the sentence imposed in respect of the conviction was admonishment or absolute discharge, or
 - the person was aged under 18 on the date of the conviction and at least 7 years and 6 months have passed since the date of conviction, or
 - the person was aged 18 or over on the date of the conviction and at least 15 years have passed since the date of conviction.

Where the above conditions apply, the conviction is protected.

- 5.4.11 If a conviction does not feature on either Schedule A or Schedule B then, once that conviction is spent, it becomes a protected conviction.
- 5.4.12 An applicant cannot be refused vetting on the basis of a conviction which is protected. In addition, no consideration can be given to any circumstances ancillary to that conviction. This is the case no matter how relevant a protected conviction might be to the post applied for.
- 5.4.13 When a conviction is not spent or protected it can be assessed for vetting purposes.
- 5.4.14 Vetting can be refused on the basis of protected convictions for the purpose of safeguarding national security. A clear risk to national security must be identified and the rationale for a refusal on this basis must reflect this. Such refusals should only be undertaken by the FVM or an officer senior to this post.

5.5 Non-conviction Information

- 5.5.1 Vetting officers will also assess non-conviction information from a range of sources. These include the following.

5.6 Alternatives to Prosecution

- 5.6.1 Fixed penalty tickets, conditional offers, Procurator Fiscal Fines/Warnings and Recorded Police Warnings are not convictions but are Alternatives to Prosecution (ATP).
- 5.6.2 The 2020 Order allows ATP information to be assessed in relation to police officer and PCSO applicants, unless that ATP was issued before the applicant was 18 years of age in which case it must be disregarded.
- 5.6.3 For police staff applicants and non-police personnel, warnings given by police officers or the Procurator Fiscal and any fixed penalty notice under Section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 are spent at the time they are given. All other forms of ATP are spent after a period of three months from the date on which the ATP was given. Once spent, any information relating to an ATP is protected and cannot form the basis of a refusal.

5.7 Pending Cases

- 5.7.1 Where an applicant is the accused in a pending case, vetting clearance shall generally be refused until the result of any proceedings has become known.

5.7.2 Where the offence is minor in nature and a conviction would not result in a refusal of vetting clearance, then consideration to granting clearance may be given.

5.8 Other Relevant Information

5.8.1 Other sources of information include, but are not confined to, the Scottish Intelligence Database, Police National Database, Standard Prosecution Reports, Crime Reports, Vulnerable Persons Database and open source material.

5.8.2 Establishing the credibility of this information is more complex and this part of the risk assessment requires careful consideration. When assessing credibility, vetting officers might consider factors such as witness statements, admissions or other corroborative evidence.

5.8.3 Where an applicant has stood trial and been acquitted, the circumstances of the case can still be assessed. However, vetting officers cannot cast doubt on the correctness of the acquittal. Any decisions based upon such information will simply reflect the lower burden of proof involved in the vetting process as compared to that in the judicial process. Vetting officers must make no inference from a finding of Not Proven as compared to one of Not Guilty.

5.8.4 Other relevant information may include disciplinary or misconduct findings from an applicant's current or previous employment. The risk assessment process can be applied to such information. It is likely the applicant will be required to give permission to a former or current employer to share information on this matter. A refusal to give permission will be a factor in any subsequent risk assessment.

5.9 Police Intelligence

5.9.1 Police intelligence includes an evaluation of both the source and the intelligence contained in an individual log. Vetting officers will consider both aspects as part of their assessment.

5.9.2 Intelligence where the source is always or mostly reliable and the intelligence is known directly to an officer or the source is generally reliable.

5.9.3 Intelligence where the source is untested may be reliable but the information should be treated with caution. Other corroboration should be sought.

5.9.4 Intelligence based on an unreliable or sometimes reliable source will not, in isolation, form the basis for a refusal. However, it may form part of an

assessment should other adverse information exist which corroborates the information.

- 5.9.6 An intelligence log which is known to the source but not to an officer may be considered if the source is assessed as always or mostly reliable.
- 5.9.7 Intelligence known indirectly to the source but corroborated might be considered. However, this requires a very careful assessment and will only be considered where the source is always or mostly reliable.
- 5.9.8 Intelligence log known indirectly to a source without corroboration or where the source is not known will not, in isolation, form the basis for a refusal though it may form part of an assessment should other adverse information exist which enhances its credibility through corroboration.
- 5.9.9 An intelligence log suspected to be false will not form part of a rationale for a vetting refusal.

5.10 Intelligence Handling

- 5.10.1 Where information is to be shared with other person or agency, consideration must be given to the handling code of any intelligence log.

5.11 Military Law

- 5.11.1 Applicants who have served in the armed forces and have been convicted of an offence by a military tribunal will normally have this recorded on the PND. A check with the appropriate military body can give more information on such matters.

5.12 Court Orders

- 5.12.1 Anti-Social Behaviour Orders, Football Banning Orders and driving disqualifications can only be considered for vetting purposes until the order/disqualification expires. The actual offence leading to such orders can be considered in terms of the Act and the Order.

5.13 Open Source/Social Media

- 5.13.1 Information can sometimes be revealed from open sources such as the mainstream media and social networking platforms.

5.13.2 This information can provide a valuable insight into the character of an applicant. It can also establish links between an applicant and others which may give cause for concern.

5.15.3 As this is an essentially unregulated information source, care must be taken to ensure correct identification of the individual concerned.

5.13.4 Risk factors include:

- an applicant is shown as engaging in or supporting criminal activity
- an applicant has made offensive comments against individuals or groups afforded protection by the Equality Act 2010
- an applicant displays views, or support for groups espousing views, which would bring the applicant into conflict with the code of ethics and values

5.13.5 The risk assessment process will be used to assess adverse information found on open source/social media sources. For instance, a single post might be viewed as less serious than a large number of posts or a post made a considerable time ago might hold less risk than one made recently.

5.13.6 FVU open source checks will not be covert in nature.

5.14 Accuracy of Information

5.14.1 There is no obligation upon a vetting officer to reinvestigate matters. Where an applicant challenges the accuracy of information held, they should be advised to take the challenge to the organisation which holds the information. The vetting decision, however, shall be made on information held and will not be delayed pending any such challenge.

5.15 Barred and Advisory List

5.15.1 The Policing and Crime Act 2017 provides that, in England and Wales, where officers, Special Constables, members of staff or volunteers have been dismissed they are placed on the Barred List held by the College of Policing.

5.15.2 The same legislation also provides that where officers, Special Constables, members of staff or volunteers have retired or resigned whilst under investigation for matters which, if proven, might result in dismissal, they are placed on the Advisory List pending enquiries.

5.15.3 An indication that an applicant is on the Barred and Advisory list will be found on the PND as a 'flagstone marker'.

5.15.4 Persons on the Barred List will not be appointed or employed by Police Scotland.

5.15.5 Persons on the Advisory List may only be appointed or employed after the circumstances of their listing have been considered and the risk assessment undertaken.

5.15.6 The foregoing provisions may apply to contractors or other non-police personnel on the Barred and Advisory List if that person is to undertake a public function. A public function is defined as any functions of a public nature that relate to policing or law enforcement.

5.16 Information Relating to Third Parties

5.16.1 During the vetting process information can be uncovered concerning an applicant's relatives or associates. These are known collectively as third parties and can include:

- Parents
- Partners
- Siblings
- Children
- Extended family
- Partner's extended family
- Co-habitants
- Business partners
- Other associates

5.16.2 'Association' will have its everyday meaning and includes:

- meeting or uniting for a common purpose
- keeping company or being familiar
- being an ally, confederate, partner or colleague
- having friendship, intimacy or connection
- being a member of a group, organisation or society which is formed for a common purpose, e.g. member of a football team or sports club
- relationships with individuals undertaken in part or wholly through social media or other online platforms.

5.16.3 Where a third party has convictions or there is intelligence suggesting involvement in criminal activity, there is a requirement to consider if this association has the potential or is likely to:

- compromise the applicant
- compromise the operations or activity of SPA/Police Scotland
- compromise the reputation of SPA/Police Scotland

5.17 Third Party - Factors Against and Supporting Clearance

5.17.1 Those working in policing must not have associations with groups or persons, or membership of groups or societies that would create an actual or apparent conflict of interest with police work and responsibilities.

5.17.2 The test is whether a reasonably informed member of the public might reasonably believe that the association or membership could adversely affect the ability of the individual to discharge their policing duties effectively and impartially.

5.17.3 Where the applicant has omitted to declare a relative or associate whose details are required on vetting forms and adverse information is held about the relative/associate, the assumption should be that the details have been deliberately omitted and this should be treated as an integrity issue in the first instance.

5.17.4 In cases involving an ex-partner or former associate an assessment may still be made. An applicant's former association may hold the potential to cause reputational damage or integrity concerns if the applicant has previously benefited from the proceeds of crime.

5.17.5 The following factors should be considered when deciding to grant or refuse clearance.

5.18 Factors against granting clearance include:

- Joint enterprise between applicant and third party
- Convictions/cautions/criminal conduct of the third party are recent, frequent and/or serious
- Intelligence relating to the third party is recent and/or suggests ongoing criminality, especially if related to serious and organised crime
- The applicant and the third party are in a close relationship, e.g., applicant and third party are in regular contact, live close to each other or maintain the same circle of acquaintances
- Evidence of a financial relationship between the parties

- Relationship has the potential to damage public confidence in SPA/Police Scotland or interfere with the operational activity of Police Scotland.

5.19 Factors supporting granting clearance include:

- Evidence of distance between the applicant and the third party
- Convictions/cautions/criminal conduct of the third party are historical, isolated and/or minor
- No recent intelligence relating to the third party
- Offences committed by the third party are of a minor nature with no links to serious and organised crime
- Openness of the applicant
- Lack of awareness of the third party's criminal activity
- Convictions of the third party are protected

5.19.1 Where adverse third party information is uncovered with respect to police officers undergoing MV, the Notifiable Associations PSOS SOP and associated advice and guidance can be used to mitigate risk. Early liaison with the PSD Gateway Unit should take place in such circumstances.

5.19.2 There is no mandatory requirement for members of police staff to comply with the terms of the Notifiable Associations PSOS SOP. However, staff are encouraged to engage with the process outlined to enable suspected notifiable associations to be appropriately risk managed and the necessary support and guidance given.

5.19.3 The results of checks on relatives and associates should not be disclosed to an applicant. On occasion, information found on third parties may indicate a level of risk to an applicant. Any decision to disclose this is not a vetting matter and this information should be passed in the first instance to the PSD Gateway Unit for consideration.

5.20 Age of Criminal Responsibility

5.20.1 Convictions or other adverse information relating to a person who was under the age of 12 years at the time of the conviction/offence shall not be considered except in exceptional circumstances. Any vetting refusal made using such information shall usually only be made by the FVM or deputy.

5.21 Disregarding Certain Convictions

5.21.1 Where an applicant has a conviction relating to certain historical sexual offences and has been pardoned or had that conviction disregarded, this shall not be considered as

adverse information and no refusal can be based on this conviction or any circumstances ancillary to it.

5.21.2 A pardon refers to those convicted for engaging in same-sex sexual activity which is now legal. This is automatic and there is no requirement for an applicant to apply for same.

5.21.3 A disregard applies to those offences where same-sex activity was criminalised in a manner that would not apply to opposite-sex activity. A disregard must be applied for from the Scottish Ministers.

5.21.4 In order for an application for a disregard to be accepted, the conduct amounting to the offence for which the applicant was convicted must not constitute an offence at present.

5.22 Failure to Disclose by Applicant

5.22.1 On occasion it might be assessed, on the balance of probabilities, that an applicant has deliberately withheld information or deliberately supplied inaccurate information in their application. This gives substantial concern regarding the applicant's honesty and will lead to a vetting refusal.

5.22.2 In assessing whether a failure to disclose information might be deliberate, a vetting officer will consider the recency, frequency and gravity of that information. Inaccuracies or omissions of a minor nature might be considered accidental, especially if single and/or historic. Where matters are more recent, frequent and/or serious, any inaccuracies or omissions are more likely to be deliberate.

5.23 Interview

5.23.1 Where a vetting officer assesses that more information is required to proceed with a decision, an applicant can be interviewed. This can be done by way of face-to-face interview, telephone interview or written communication.

5.23.2 A vetting officer can also consider interviewing relevant third parties. These might include: police witnesses, an applicant's supervisor, a former employer or a person giving a character reference.

5.24 Adverse Information – Management Vetting

5.24.1 The following factors may create a presumption of unfitness for MV clearance to be granted:

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- infringement of security procedures
- significant or repeated misconduct or discipline matters
- providing false or deliberately misleading information, or omitting significant information from the Vetting Questionnaires
- criminal convictions or cautions
- abuse of position
- previous findings at a disciplinary hearing
- ongoing misconduct or discipline matters of a serious nature
- criminal association(s)
- financial vulnerability
- identified conflict of interest
- other inappropriate behaviour which impinges on an individual's suitability to serve in the role.

5.24.2 The following factors can impair an individual's judgement which may lead to an individual being vulnerable to pressures or bribes:

- financial difficulties or unmanageable debts
- misuse of alcohol
- problematic levels of gambling
- Misuse of controlled or prescribed drugs.

5.24.3 The following factors should be taken into account when assessing the criteria for trustworthiness:

- security implications of any adverse information obtained during the vetting process (for example, it may be necessary to give greater weight to some factors more than others)
- significance of any past conduct or circumstances
- Distinctions between isolated or minor blemishes on an individual's record and information pointing to habitual or significant vulnerabilities.

5.25 Medical Evidence

5.25.1 Information may be revealed on police systems which relates to an applicant's mental or physical health.

5.25.2 Vetting officers are not qualified to assess medical conditions and will not make vetting decisions on the basis of medical information.

5.25.3 Any medical information revealed as part of the vetting process must be passed to the force occupational health provider for a professional assessment. In order that any

medical information can be forwarded to the occupational health provider, consent must be sought from the applicant. A copy of that consent will be sent with the medical information.

- 5.25.4 Following assessment, the occupational health provider should decide if the applicant is suitable for appointment by the force or, where applicable, to be granted MV clearance. Medical information should not be passed to vetting officers.
- 5.25.5 It should be noted that the occupational health provider is ethically bound to notify of concerns where there is a risk to the applicant or others but otherwise would be unable to break medical confidentiality.
- 5.25.6 Where an applicant has failed to disclose medical information on their medical questionnaire, this raises questions concerning the applicant's honesty. In these circumstances the occupational health provider may submit this to the FVU for assessment. This assessment will be confined to matters of honesty in the application process and will involve no medical assessment by the FVU.

5.26 Financial Checks

- 5.26.1 Exploitation of those with unmanageable levels of debt is a recognised tactic employed by criminal groups to coerce individuals into providing them with access to force systems and operational information.
- 5.26.2 Debt is considered unmanageable when the level of required repayments cannot be met through normal income streams. This would usually occur over a prolonged period of time.
- 5.26.3 Financial checks are used to assess whether applicants are currently, have been, or are likely to be in financial difficulty.
- 5.26.4 Where an applicant can demonstrate a history of managing their finances with responsibility, has disclosed any adverse financial information and is taking steps to address this, the risk of compromise is reduced.
- 5.26.5 Failing to disclose adverse financial information may indicate financial irresponsibility or a lack of honesty. In either case, this is likely to be assessed as a substantial risk factor.
- 5.26.6 Applicants should be reassured that there is no need to be concerned about mortgage and credit card commitments that are in line with their income and are being met.

5.27 Financial Assessment

5.27.1 Financial checks assess the applicant's financial position:

- at the point of initial application and any subsequent reviews
- as they apply to move into a designated post
- Where further information is received in relation to debt issues.

5.27.2 Financial assessment is based upon information supplied by the applicant and a Credit Reference Check. For MV and NPPV3, more detailed information is gathered via a Vetting - Financial Questionnaire Form 037-009 which gathers information in seven areas:

- indications of previous financial difficulty or unreliability
- problems meeting current commitments
- indications of poor financial judgement
- potential for future financial difficulties
- assets possibly inconsistent with income
- potential conflict of interests
- business interests.

5.27.3 It is acknowledged that the assessment of debt issues is a subjective one and each case should be examined on its own merits. When considering the financial vulnerability of applicants, vetting officers should consider relevant issues including:

- Is the applicant currently seeking credit? The vetting officer should look at the number of recent credit searches.
- How many new credit accounts has the applicant opened in the last 6 months?
- Are these new accounts already at their limits?
- Are all cards up to their limit? If so, is the applicant making minimum payments only and are they managing on a month-to-month basis or are they living off credit and using it for everyday commitments?
- Is the applicant overdrawn on their current account or beyond their agreed overdraft limit? If so, is this regular, i.e., do they rely on it to manage?
- Are there debt arrangements showing on their credit file?
- Is there any evidence of payday loans?
- Any Gone Away Information (GAIN) markers on their credit file?
- Is the applicant generally meeting commitments but with a poor payment history of missed and late payments?
- Can the applicant show that financial difficulties might be due to wider social factors, such as Covid-19?

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- Is the information held accurate? Credit Reference Check systems can on occasion be inaccurate.

5.27.4 The financial assessment supports the decision making process. This allows comparison between information supplied by the applicant and that provided via a Credit Reference Check.

5.28 Other Financial Considerations

5.28.1 Applicants who have entered sequestration or bankruptcy where the terms of the sequestration/bankruptcy have been met are unlikely to receive clearance until three years after the discharge of the debt.

5.28.2 Debt Relief Orders (DROs) or a Minimal Asset Process (MAP) will be treated in the same way as sequestration/bankruptcy.

5.28.3 Applicants who are former directors of insolvent limited companies should be treated as if they were sequestered/bankrupt even though the debts are in the company name.

5.28.4 Applicants who have existing court orders against them will not be considered until such orders are satisfied.

5.28.5 Applicants who have an undischarged Trust Deed shall be refused vetting on the basis that they have not yet demonstrated financial stability. This will also be the case for applicants who have discharged a Trust Deed but less than 12 months have passed since the date of discharge.

5.28.6 Applicants who have an Individual Voluntary Arrangement (IVA) or who have entered into a Debt Arrangement Scheme or Debt Management Plan will require careful consideration and an applicant will be required to demonstrate a period of financial stability before their vetting can be approved.

5.28.7 Applicants who have defaulted accounts will not, in general, be considered until these accounts are satisfied. Where the defaulted sum is not excessive and the applicant can show evidence of managing the account, consideration may be given to granting clearance. In general terms, defaulted accounts totalling less than £1,000 would not be considered excessive. Above this sum the risk increases proportionally to the level of debt.

5.28.8 In all cases, the overall financial stability of the applicant and their vulnerability to inducement will be the determining factor.

5.29 Management of Existing Staff

- 5.29.1 A different approach should be taken between those applying at the point of entry into SPA/Police Scotland and those individuals already in the organisation. This is in light of the force's welfare responsibilities to its officers and staff. It also recognises that the force is better placed to risk manage serving officers and staff due to the close nature of their previous and ongoing supervision.
- 5.29.2 Where financial issues are revealed in these circumstances, vetting officers should not consider an applicant's financial position in isolation. A shared approach should be taken involving the applicant, the applicant's line manager(s) where necessary and any appropriate welfare considerations.
- 5.29.3 Advice should be given to the applicant around force support structures, such as the Employee Assistance Programme. Applicants should also be advised to seek support from their Staff Association or Trade Union representative as appropriate.
- 5.29.4 With these support structures in place, the vetting officer should seek to manage the issue with the individual rather than refuse vetting outright.
- 5.29.5 In the most serious of cases where the debt is deemed to be unmanageable, where there are other underlying issues and/or where the individual refuses to engage with the management support process, the vetting officer should consider refusing, suspending or withdrawing vetting clearance. As RV cannot be suspended or withdrawn, the suspension/withdrawal provision relates to MV or NPPV only.

5.30 Residency Requirement/Checkable History

- 5.30.1 The need for the residency rule arises from the requirement to vet all applicants in an equitable manner. This is because the UK police service does not currently have any means of facilitating vetting enquiries overseas to the extent required for those who are resident in the UK.
- 5.30.2 Effective vetting cannot be conducted if there is no way to assess the honesty, integrity, reliability and overall suitability for clearance of appointees against the information available. By ensuring that applicants have a checkable history in the UK, vetting officers can undertake meaningful vetting enquiries.
- 5.30.3 Although they give a limited form of reassurance, ACRO checks or an Overseas Criminal Record Check/Clearance Certificate are not of an equivalent standard to those enquiries that are made in the UK.

5.31 Minimum Residency Periods

5.31.1 For the purposes of force vetting, the following minimum residency requirements apply:

- Recruitment Vetting (RV) – three years
- Management Vetting (MV) – five years
- Non-Police Personnel Vetting (NPPV) – three years

5.31.2 The calculation of the periods of time shown refer to the period immediately before an application is made, and not any other period, or any other accumulation of time spent in the UK.

5.31.3 If the applicant has not been resident in the UK for the minimum period and full vetting enquiries cannot be made in jurisdictions where the applicant has been residing, vetting clearance cannot be granted.

5.31.4 Where the residency criteria has resulted in refusal the subject should be provided with the rationale for this and encouraged to reapply when they meet the residency criteria.

5.31.5 The residency criteria are imposed only to ensure a sufficient checkable history is available for assessment. The criteria are not a test of an applicant's leave to remain in the UK.

5.32 Armed Forces/Government Service

5.32.1 An applicant who has been posted overseas as part of their service with the UK Government, the Scottish Government or the UK armed forces, is considered to have been resident in the UK for that period they were abroad. Reference to members of the armed forces also includes civilian personnel who are accompanying a force as part of a civilian component or equivalent. For such applicants, in addition to the minimum vetting checks outlined in this guidance, enquiries should also be made with the MoD or relevant Departmental Security Officer.

5.32.2 Where an applicant has been overseas as the spouse, partner or dependent of a member of the armed forces, it may be possible to obtain the necessary assurance for a 'checkable history' to be established. In such cases, contact should be made with the Ministry of Defence (MOD) to ascertain what checks can be made through the local authorities of the host nation where the individual was resident. Where sufficient enquiries to satisfy the checkable history criteria can be made, these should be completed through the relevant personnel vetting authority.

5.33 Overseas Travel

5.33.1 An applicant travelling or working overseas to a maximum of one year (a gap year or similar) can be considered to be on an extended holiday and has therefore maintained residency in the UK.

5.34 Deviation from the Requirement

5.34.1 An applicant who does not meet the residency requirement can be considered in certain circumstances. Examples might include where an appointment is considered especially beneficial for SPA/Police Scotland in reflecting the communities served or where an applicant has a specific skills set that cannot otherwise be found. In these circumstances the requirement may be waived. The reason for this discretion should be made clear and recorded. This decision must be approved by a chief officer (ACC/Director or above) before starting the vetting process.

5.34.2 Where the residency requirement is waived, regular reviews should be considered until the subject meets the minimum residency requirement.

5.34.3 Deviation from the requirement will be on a case by case basis. There will be no blanket deviations from the requirement.

5.35 Residency - National Security Vetting

5.35.1 Where an applicant requires NSV, it must be noted that Police Scotland cannot waive NSV residency requirements.

5.35.2 For NSV, the Cabinet Office Security Policy Framework sets out the minimum periods of residence in the UK required before meaningful checks at the various levels can be completed.

5.35.3 Departments and agencies should exercise discretion when individuals have not resided in the UK for the following periods:

- Counter-Terrorist Check (CTC) – three years.
- Security Check (SC) – five years.
- Developed Vetting (DV) – ten years.

5.35.4 If the applicant has been living outside of the UK due to serving with the armed forces or on government service, they will be classed as being resident in the UK.

5.35.5 An applicant travelling overseas on a gap year, or similar will be considered to be on an extended holiday and has therefore maintained residency in the UK.

5.36 Criminal Records Checks

5.36.1 Where a person meets the residency criteria but has spent a substantial period overseas as an adult, consideration can be given to requiring that the applicant supplies a Criminal Records Check from the country in which they were resident.

Part 6 Decision Making

6.1 Vetting Decision

- 6.1.1 Following an assessment of risk as described in Part 5 a vetting decision will be made. This decision must consider whether it is appropriate, in all the circumstances, to grant, refuse withdraw or suspend vetting clearance.
- 6.1.2 Vetting clearance should not be granted until all relevant vetting enquiries are complete.
- 6.1.3 A decision to refuse vetting clearance can be made as soon as sufficient evidence has been gathered and assessed. There is no requirement to complete all checks once sufficient grounds exist to justify a vetting refusal.
- 6.1.4 The rationale of any decision made will be recorded by the person responsible for assessing the vetting application.

6.2 Vetting Clearance Granted

- 6.2.1 Where there are no adverse traces pertaining to an applicant or an applicant's associates, this will clearly indicate that no risk is assessed and clearance should be granted.
- 6.2.2 Where some risk is apparent as a result of the various checks undertaken, it does not automatically follow that a vetting refusal is appropriate. A vetting officer may assess that the level of risk can be sustained and clearance can be granted.
- 6.2.3 It will be clearly recorded in the context of the risk assessment process why any adverse information is not considered to be of sufficient risk to refuse, withdraw or suspend a vetting clearance.
- 6.2.4 When clearance is granted, the applicant and the appropriate contact person will be informed of the vetting clearance decision.

6.3 Conditional Vetting Clearance

- 6.3.1 The primary options available will be to either grant or refuse clearance. In some circumstances conditional clearance may be granted where the clearance is subject to measures, such as initial posting restrictions. By ensuring a police officer is not posted to a certain area, a degree of risk can be mitigated. An example of this is where

a police officer applicant is not posted to an area where a family member involved in low level criminality resides.

- 6.3.2 The vetting officer will ensure that in cases where a conditional clearance is granted, any conditions or restrictions are clearly recorded and conveyed to the PSD Gateway Unit.
- 6.3.3 It must be borne in mind that such posting restrictions can only partially limit an applicant's associations and may not wholly mitigate the risk of links to serious and organised crime.
- 6.3.4 The nature of police staff recruitment and the position of Special Constables can make conditional vetting clearance problematic. Close liaison with the appropriate Recruitment Department personnel is required in such instances.

6.4 Vetting Refusal, Withdrawal or Suspension

- 6.4.1 The decision to refuse, withdraw or suspend vetting clearance shall only be made following an assessment of risk as outlined in Part 5. This decision must consider whether it is appropriate, in all the circumstances, to refuse, withdraw or suspend vetting clearance.
- 6.4.2 If vetting clearance is refused, withdrawn or suspended, the FVU will inform the applicant and provide a reason for this.
- 6.4.3 There may be circumstances when details of a vetting decision will be withheld or substantially redacted.
- 6.4.4 Such circumstances might include cases where:
- disclosure could prejudice a criminal or disciplinary inquiry
 - disclosure could affect police operations
 - disclosure would breach the Data Protection Act 2018 or other legislation
 - information has been provided in confidence by third parties during vetting enquiries.
- 6.4.5 No detail on why an applicant has been refused vetting will be shared with a third party unless this is for a policing purpose or is related to a public safety issue.
- 6.4.6 Where vetting clearance is refused or withdrawn for non-police personnel, the force sponsor will only be advised of that vetting status. No reason for the decision shall be given to the sponsor.

6.5 Withdrawal of Recruitment Vetting – Police Officers and SPA/Police Staff

- 6.5.1 RV for substantive police officers and SPA/Police Scotland staff should not be withdrawn or suspended. Any adverse information shall be dealt with by other processes such as the imposition of restrictions or suspension and, if appropriate, formal misconduct, discipline, efficiency or capability sanctions.
- 6.5.2 Where RV clearance has been granted but new adverse information is revealed prior to an officer being sworn in or a member of staff having their contract confirmed, that clearance can be withdrawn. The risk assessment for this should follow the normal procedure.

6.6 Adverse Information – Probationary Constables

- 6.6.1 The Police Service of Scotland Regulations 2013, Regulation 8, provides that a person appointed in the rank of constable (other than a constable who has served with a police force having completed the required period of probation therein) is on probation.
- 6.6.2 Regulation 9(1) of this legislation further provides that during this period of probation the services of such a constable may be dispensed with if the Chief Constable considers that the constable is not likely to become an efficient or well conducted constable.
- 6.6.3 Adverse information relating to a probationary constable can be revealed after their appointment. Where this refers to conduct or associations from the period before their appointment, this can be assessed by the FVU/PSD or ACU as appropriate. This will include an assessment of the honesty of the probationary constable in completing their vetting application.
- 6.6.4 Where a risk assessment of this information indicates that a probationary constable is unlikely to become an efficient or well-conducted officer and that a Regulation 9 Discharge might be appropriate, the FVU/PSD or ACU shall report the circumstances to the probationary constable's Chief Superintendent. It shall be the decision of that Chief Superintendent whether a formal Regulation 9 procedure is required. RV clearance will not be withdrawn in these circumstances and the Regulation 9 procedure, if appropriate, shall be followed.
- 6.6.5 The Chief Superintendent will have a number of options available. These include, no action, advice and guidance, considerations around posting or a Regulation 9 Discharge.

6.6.5 Where information relates to the conduct of the officer after that officer has been appointed, this is a matter for the Conduct Regulations.

6.6.6 This process cannot be used to address any matters of performance.

6.7 Withdrawal of Recruitment Vetting – Special Constables

6.7.1 Where a special constable has failed to engage with the force for a period of one year or more, consideration can be given to re-vetting the officer. This is in recognition of the fact that a special constable who refuses to engage with the force does not have as robust access to the supervisory and/or support structures available to 'regular' police officers or staff. This limited ability to give close management and assistance to the special constable can pose a significant risk to the force

6.7.2 Where the special constable fails to engage in the vetting process, RV can be suspended until the officer has been re-vetted.

6.7.3 Where the special constable is re-vetted, adverse information may be revealed by the vetting process. Where this information might constitute misconduct then the circumstances will be reported to the Professional Standards Department.

6.7.4 Adverse information may be revealed which does not constitute misconduct but remains a concern, for instance, financial matters. Where the special constable concerned is fully engaging with the force, the local division shall manage the officer using measures such as, closer supervision, restrictions etc. Where the officer refuses to engage with the force, consideration will be given to suspending vetting until this is resolved.

6.7.5 Where a special constable is refused RV in an attempt to become a full time police officer, consideration must be given to their suitability to remain in the special constable post. Local arrangements may be sufficient to mitigate any risk, with restrictions being a further consideration in conjunction with any relevant care package. In this matter, guidance should be sought from the National Volunteer Coordinator in conjunction with the FVM.

6.7.6 Where adverse information leads to a special constable being refused RV and that special constable is also an SPA/Police Scotland staff member, consideration should be given to the ongoing management of the individual. This may require liaison with People and Development and the individual's Head of Department.

6.7.7 Where the RV of a special constable is suspended, the officer will have the right to appeal.

6.8 Withdrawal of Non-Police Personnel Vetting

- 6.8.1 Where adverse information becomes known concerning non-police personnel working on behalf of the force, a risk assessment should be undertaken to consider whether NPPV clearance should be withdrawn.
- 6.8.2 Where clearance is withdrawn, the force sponsor should be immediately informed to allow removal of permissions, access rights etc.
- 6.8.3 NPPV clearance should not be suspended. This is in recognition of the force having a limited working knowledge of the non-police personnel involved and no facility for contact with them during any period of vetting suspension.

6.9 Withdrawal of National Security Vetting

- 6.9.1 Should an individual's MV clearance be temporarily suspended and that individual also holds NSV clearance, the Scottish Government will be informed. They will also be informed of any provisions put in place to limit the individual's access to sensitive material.
- 6.9.2 There is no provision for the suspension of NSV. It will be the decision of the Scottish Government whether to withdraw an individual's NSV clearance during the temporary suspension period.
- 6.9.3 Where MV clearance is withdrawn, the corresponding level of NSV will also be withdrawn. NSV is conditional on having MV clearance and there will be no right of appeal to the SVAP against a decision to withdraw NSV in these circumstances. Any appeal will be dealt with using the MV appeal procedure.
- 6.9.4 The FVU should not withdraw NSV, this is a matter for Scottish Government. If NSV clearance is refused or withdrawn, the subject may appeal to the Scottish Government by way of its internal appeals process. Should clearance remain refused or withdrawn, an appeal may be taken to the Security Vetting Appeals Panel against a decision to refuse or withdraw NSV clearance.
- 6.9.5 Where the force is informed that NSV has been withdrawn from an individual, liaison should take place between the FVM and Scottish Government to ascertain the underlying reasons for this. In light of any security concerns identified, a further decision can be made regarding the suitability of the individual to retain MV clearance.

6.10 Refusal or Withdrawal of Management Vetting

- 6.10.1 Where adverse information becomes known concerning a person who is applying for or who already holds MV clearance, then a risk assessment should be undertaken to consider whether clearance should be refused or withdrawn.
- 6.10.2 An important consideration in the risk assessment process is the existing knowledge the force has of the individual. Previous conduct, checks on systems usage, response to formal advice and guidance procedures are all significant factors in the risk assessment process. These factors should form part of the rationale of any decision to refuse or withdraw clearance.
- 6.10.3 Where there are enquiries or misconduct/discipline processes ongoing in relation to an applicant for MV clearance then a vetting decision should be delayed pending the results of those enquiries or processes.
- 6.10.4 Where a person already holds MV clearance and such enquiries or force processes are ongoing, clearance should not be withdrawn. In these circumstances, suspension should be the consideration.
- 6.10.5 Should an officer or staff member's MV clearance be withdrawn or suspended the Divisional Commander or Head of Department of the person concerned should be informed immediately.

6.11 Suspension of Management Vetting

- 6.11.1 Where adverse information becomes known relating to a person who holds MV clearance, it may be appropriate for the force to suspend this clearance. Any suspension shall be temporary and is designed to mitigate risk whilst enquiries are ongoing or decisions are made regarding prosecution and/or discipline/misconduct procedures.
- 6.11.2 MV clearance should only be suspended where the adverse information is of a serious nature. This may include:
- intelligence or information revealing links to serious and organised crime
 - adverse information, the nature of which reasonably indicates that an individual may be dismissed or required to resign if the information is proven
 - substantial concerns regarding the personal honesty or integrity of the officer or staff member
 - an assessment that the officer or staff member poses a substantial risk to security

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- 6.11.3 The suspension process is designed as a temporary measure to protect the force whilst enquiries are undertaken. It should not be used to deal with minor matters and both the gravity and the reliability of the information concerned must be assessed and the rationale documented.
- 6.11.4 An individual may appeal any decision to suspend their vetting.
- 6.11.5 Any temporary suspension will be reviewed at least quarterly. In addition to the appeals process, the applicant may make representation to the FVM against the decision to suspend clearance if they reasonably believe that the circumstances have changed and suspension is no longer appropriate.
- 6.11.6 Vetting clearance will be suspended for no longer than is necessary and reasonable. Vetting clearance suspension will not be used as a punitive sanction.

Part 7 Appeals

7.1 Appeal Process

7.1.1 An appeal process will be made available where vetting clearance is refused, suspended or withdrawn.

7.1.2 An appeal must be in writing (paper or electronic), clearly stating the grounds of appeal when one or more of the following factors apply:

- The information upon which the decision was made is incorrect.
- Further information is available that was not considered by the decision-maker.
- The vetting rejection was wholly disproportionate when considering the circumstances or details of the case.

7.1.3 In line with Annex A – Appeals Guidance, which is issued upon refusal, suspension or withdrawal of a clearance, appeals which are submitted without clearly articulated grounds of appeal and supporting evidence where appropriate will be refused on the basis that the applicant has failed to demonstrate the merits of their appeal.

7.2 Recruitment and Non-Police Personnel Vetting

7.2.1 In the case of police officer and non-police personnel applicants, any appeal should be made to the FVU within 21 calendar days of the person being informed of the vetting refusal.

7.2.2 In the case of police staff applicants, the appeal should be made to the FVU within 14 calendar days of the person being informed of the refusal. This reflects the different recruitment processes involved in police staff recruitment.

7.2.3 The appeal will be considered by a person senior to the original decision maker and independent of the initial vetting decision.

7.2.4 Applicants have no right to make personal representation, though this may be allowed at the discretion of the individual considering the appeal if they are satisfied it will add value to the process.

7.2.5 Appeals will be dealt with promptly and the result of the appeal conveyed to the applicant in writing.

7.3 Management Vetting

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- 7.3.1 The appeal should be made to the FVM or deputy in writing (paper or e-mail) within 21 calendar days of being informed of the refusal, withdrawal or suspension.
- 7.3.2 For internal staff or officers, the FVM will thereafter request that an independent Chief Superintendent is appointed to act as the Appeal Officer. This shall be a person who:
- is independent of the original decision maker
 - has not been previously involved in the case

For external applicants, the FVM or their deputy will act as the Appeal Officer.

- 7.3.3 The Appeal Officer may consider the appeal administratively or may allow the appellant to present their appeal in person. In either case, support will be available from Staff Associations, Trade Unions or a colleague.
- 7.3.4 Personal representation from the vetting officer responsible for the vetting decision or any other relevant person will be at the discretion of the Appeal Officer.
- 7.3.5 The purpose of the appeal is to review whether a refusal, withdrawal or suspension decision was fair and proportionate in light of the adverse information revealed. Where ongoing enquiries such as misconduct/discipline matters or reports to the Procurator Fiscal are involved, it must be noted that the vetting appeal is not intended to examine this evidence in detail. Full examination of this evidence is a matter for the misconduct/discipline processes or the courts.
- 7.3.6 Appeals will be dealt with within 21 calendar days of the Appeal Officer being appointed and the result of the appeal will be given in writing.
- 7.3.7 The decision made by the Appeal Officer is final.

7.4 Recruitment Vetting – Special Constables

- 7.4.1 Where a Special Constable has had their RV clearance suspended, any appeal shall follow the same process as that for MV.

7.5 Vetting Appeal – Risk Assessment

- 7.5.1 Any risk assessment relating to a vetting appeal shall follow the risk assessment process outlined in this guidance. This will include a review of the original decision-making and an assessment of any new information brought to light by the appeal process.

7.6 Appeal Rationale

The rationale of any decision made will be recorded by the person responsible for assessing the vetting appeal.

Glossary

Full Name	Abbreviation
Baseline Personnel Security Standard	BPSS
Anti-Corruption Unit	ACU
Anti-Social Behaviour Order	ASBO
Counter-Terrorist Check	CTC
Debt Relief Order	DRO
Developed Vetting	DV
Force Medical Officer	FMO
Force Vetting Manager	FVM
Force Vetting Officer	FVO
Force Vetting Unit	FVU
Gone Away Information	GAIN
Ministry of Defence	MoD
Management Vetting	MV
National Common Intelligence Application	NCIA
Non-Police Personnel Vetting	NPPV
National Security Vetting	NSV
Police National Assessment Centre	PNAC
Police National Computer	PNC
Police National Database	PND
Professional Standards Department	PSD
Recruitment Vetting	RV
Security Check	SC
Security Check (Enhanced)	SC(E)
Senior Command Course	SCC
Scottish Criminal History System	SCHS

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Scottish Intelligence Database	SID
Standard Operating Procedure	SOP
Scottish Police Authority	SPA
Security Vetting Appeals Panel	SVAP
Vulnerable Person Database	VPD