

# ISLE OF MAN GOVERNMENT



## CORPORATE GUIDELINES ON POLICE VETTING FOR EMPLOYMENT PURPOSES

**This document contains GUIDANCE AND INSTRUCTIONS to expedite vetting for employment purposes by encouraging Government employers and Departments to use the existing system to better effect and to develop their internal vetting policies accordingly.**

These guidelines have been issued by the Council of Ministers

October 2004

## 1. Level of Vetting Checks

All employing agencies should review the level of vetting check required as part of their internal vetting procedures, and should be aware that the level of check will vary subject to the type of request form submitted, as indicated below:-

### **Basic Checks (Blue Forms)**

Applies to ALL employment vetting requests received

- Check the current surname: Police National Computer and Local system
- Check any other names supplied: Police National Computer and Local system
- Check the current address (supplied): Local system

**The Isle of Man Constabulary will provide any known previous convictions that are not spent, editing out any information on third parties.**

### **Enhanced Checks (Pink Forms)**

Only those positions excepted from the Rehabilitation of Offenders Act:

- If the person has supplied an UK address to us, we will contact that Force to request any relevant information
- Check all previous addresses supplied to us: Local system
- Check Persons connected with individual: Local system
- Conduct local Intelligence checks: Local system

**These additional checks will only be undertaken if nothing relevant has been uncovered during the Basic Check of the person's previous convictions. We will provide previous convictions as above and any relevant information disclosable under the Data Protection Act.**

The types of employment excepted from the Rehabilitation of Offenders Act is described in Schedule 1 of the Rehabilitation of Offenders Act 2001 (Exceptions) Order 2001, which is attached as an Appendix to this guidance note.

## 2. Corporate Prioritisation Criteria

The Isle of Man Constabulary will prioritise vetting requests in accordance with the following corporate criteria:-

Priority Ranking	Category of Post
Urgent	Unsupervised Access to Children and Vulnerable People
High	Safeguarding National Security
Moderate	All other posts excepted by the Rehabilitation of Offenders Act
Low	Posts <u>not</u> excepted by the Rehabilitation of Offenders Act Re-vetting of existing employees

At the time of each request, employers must indicate which category applies. The Isle of Man Constabulary reserves the right to review the Priority Ranking if it believes it does not conform to the Corporate Criteria. In such cases employers will be notified accordingly.

## 3. Frequency of Vetting

Frequency of vetting reviews for each post should be built into Departmental policies and provision made on a rolling-programme for existing staff who have been in post long term.

Where an individual has received a vetting check within the past 12 months and is simply moving within Government to a similar post, a new vetting check may not be necessary. If the individual is moving into a position where their duties have changed to encompass a higher risk factor, then a new vetting check should be conducted.

## 4. Guidance for Departments

### ***General***

Each Department must adopt a strategic approach to vetting of staff, as this is essential for ensuring effective operation of the system and enabling compliance with Data Protection Legislation. The introduction of a policy based upon risk assessments of the various posts within a Department and the required vetting level would be of great assistance to the Department and to the police. In addition it would help everyone involved in the process comply with data protection.

### ***Confirmation of Identity***

A police check is carried out on the details provided on a vetting form. It is essential that as part of each Department or agency procedure the identity of potential employees is carefully ascertained through checking valid photographic identification

### ***Non-UK Addresses***

The Isle of Man Constabulary cannot conduct vetting checks on addresses outside of the UK. If the person has supplied a non-UK address to us, the employing Department or agency should ensure that the applicant provides a certificate of good character or similar document from their country of origin (including Eire). A copy of this document should be included with the application form to the employing Department.

### ***Timing of Vetting Requests***

Employers should only request vetting checks on individuals once a provisional offer of employment has been made. To do so before an offer of employment is made is inappropriate under Data Protection Legislation.

### ***Probationary Appointments***

Employers may, from time to time, wish to commence new recruits in post pending receipt of any vetting checks. This is a matter for the employer concerned. However, Government employers are advised that failure to take all reasonable steps to ensure the safety of others could result in claims not being covered by Government's Public Liability Insurance.

Government as the insured, is required to take "reasonable precautions". Should a claim arise in respect of an employee who with hindsight would not have been appointed had the appointment been delayed until the police report was available, the onus would be on Government to prove that whatever alternative procedures had been carried out could be considered "reasonable precautions".

## **5. Administration**

### ***Service Level Agreements***

In order to comply with Data Protection it is essential that Departments and agencies sign up to the existing Service Level Agreement providing 2 Authorised Signatories (who will also be vetted by the police). The named Officers are the individuals who are then entitled to receive the results of an individual's police check and have authority to make recruitment decisions based on the police check. Authorised signatories are also required to then ensure that the destruction of this documentation takes place.

The Service Level Agreement should be renewed on a regular basis to ensure currency of signatories etc. With effect from April 2005 requests for renewals of SLA's should be accompanied by a copy of the requesting Department or agencies vetting policy.

Departments and agencies that have not signed up to the Service Level Agreement are not entitled to use the service.

### ***Transitional Provisions***

The following arrangements will apply to all new vetting requests received with effect from 1 October 2004. Outstanding vetting requests will be prioritised by the Isle of Man Constabulary in accordance with the Corporate Criteria.

### ***Support and Monitoring***

The Constabulary will liaise closely with employers and provide advice and guidance wherever possible. It will also conduct regular quality checks and may request additional information from employers regarding vetting requests.

**Any queries regarding this Guidance Note should be directed to:-**

The Isle of Man Constabulary, Tel: 631393

**SCHEDULE 1**

**EXCEPTED PROFESSIONS, OFFICES, EMPLOYMENTS, WORK  
AND OCCUPATIONS**

**PART I**

*Professions*

1. Medical practitioner.
2. Advocate.
3. Accountant.
4. Dentist, dental hygienist, dental auxiliary.
5. Veterinary surgeon.
6. Nurse, midwife.
7. Ophthalmic optician, dispensing optician.
8. Pharmaceutical chemist.
9. Teacher.
10. Any profession to which the Professions Supplementary to Medicine Act 1960 (an Act of Parliament) applies and which is undertaken following registration under that Act.

**PART II**

*Offices and employments*

1. Judicial appointments.
2. The Attorney General and any employment in his office.
3. Constables, persons appointed as police cadets to undergo training with a view to becoming constables and persons employed for the purposes of, or to assist the constables of, a police force established under any enactment; naval, military and air force police.
4. Any employment which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of, a prison, remand centre, detention centre, Borstal institution or young offenders institution, and members of boards of visitors appointed under section 18 of the Custody Act 1995.
5. Traffic wardens appointed under section 33 of the Road Traffic Regulation Act 1985.
6. Probation officers appointed under section 27 of the Criminal Justice Act 1963.

7. Any employment as teacher in a school or establishment for further education and any other employment which is carried out wholly or partly within the precincts of a school or establishment for further education, being employment which is of such a kind as to enable the holder to have access to persons in attendance at the school or establishment for further education in the course of his normal duties.
8. Proprietors of independent schools.
9. Any employment by the Department of Health and Social Services in connection with the provision of social services or by any other body in connection with the provision by it of similar services, being employment which is of such a kind as to enable the holder to have access to any of the following classes of person in the course of his normal duties, namely-
  - a) persons suffering from serious illness or mental disorder of any description;
  - b) persons addicted to alcohol or drugs;
  - c) persons who are blind, deaf or dumb;
  - d) other persons who are substantially and permanently handicapped by illness, injury or congenital deformity.
10. Any employment which is concerned with the provision of health services and which is of such a kind as to enable the holder to have access to persons in receipt of such services in the course of his normal duties.
11. Any office or employment concerned with the provision to person aged under 18 of accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training, school crossing patrol being an office or employment of such a kind as to enable the holder to have access in the course of his normal duties to such persons, and any other office or employment the normal duties of which are carried out wholly or partly on the premises where such provision takes place.

### PART III

#### *Regulated occupations*

1. Firearms dealer.
2. Any occupation in respect of which an application to the Gaming Control Commission for a licence, certificate or registration is required by or under any enactment.
3. Director, controller or manager of an insurance company
4. Dealer in securities.
5. Manager or trustee of a collective investment scheme within the meaning of section 30 of the Financial Supervision Act 1988.
6. Any occupation which is concerned with the management or carrying on a home in respect of which registration is required by section 2 of the Nursing and Residential Homes Act 1988.
7. Any occupation in respect of which the holder, as occupier of premises on which explosives are kept, is required by an Order made under section 4 of the

Dangerous Goods Act 1928 to obtain from the police or a court of summary jurisdiction a certificate as to his fitness to keep the explosives.

8. Any occupation in respect of which an application to the Financial Supervision Commission or the Insurance and Pensions Authority for a licence, permit, authorisation, certificate or registration or any other permission is required by or under any enactment.
9. Any employment where an application is made for a public service vehicle licence to the Road Traffic Commissioners.
10. Any employment where an application is made to a Local Authority for a Hackney Carriage Drivers Licence.
11. Any employment where an application is made to the Department of Transport for registration as an Approved Driving Instructor.

#### PART IV

In this Schedule –

“Childminder” means a person who is required to register under section 1 of the Nurseries and Child Minders Regulation Act 1974;

“dealer in securities” means a person dealing in securities within the meaning of section 4 of the Insider Dealing Act 1998;

“firearms dealer” has the meaning assigned to that expression by section 32 of the Firearms Act 1947;

“further education” has the meaning assigned to that expression by section 71 of the Isle of Man Education Act 1949;

“health services” means services provided under the National Health Service (Isle of Man) Acts 1948 to 1979 and similar services provided otherwise than under the National Health Service;

“Independent School” has the meaning assigned by section 165 of the Isle of Man Education Act 1949 as amended by Schedule 2 of the Treasury Act 1985;

In relation to an insurance company, “controller” and “insurance manager” shall be construed in accordance with section 34 of the Insurance Act 1986;

“judicial appointment” means an appointment to any office by virtue of which the holder has power (whether alone or with others) under any enactment or rule of law to determine any question affecting the rights, privileges, obligations or liabilities of any person;

“proprietor” and “independent school” have the meanings assigned to those expressions by section 165 of the Isle of Man Education Act 1949;

“school” has the meaning assigned to that expression by section 165 of the Isle of Man Education Act 1949;

“social services”, in relation to the services provided by the Department of Health and Social Security in discharging its social services functions within the meaning of National Assistance (Isle of Man) Act 1951;

“teacher” includes a warden of a community centre, leader or a youth club or similar institution, youth worker.