



<p><b>Associated documents</b></p>	<p>Extant Target Operating Model  <a href="#">PSI 07/2014 - AI 05/2014</a> - PI 03/2014 Security Vetting  <a href="#">PSI 39/2014 – AI 26/2014</a> – PI 55/2014 Security Vetting – Offenders as Mentors in Community and Custody  <a href="#">PSI 27/2014 – AI 20/2014</a> – PI 23/2014 - Security Vetting Additional Risk Criteria for Ex-Offenders Working in Prison and Community Settings  <a href="#">PSI 42/2014</a> – PI 60/2014 Exclusion of Personnel on Grounds of Misconduct  <a href="#">PSI 27/2013 – AI 11/2013 Data Sharing Policy</a>  PI 31/2014 Authorisation as Officer of a Provider of Probation Services  <a href="#">PSI 44/2014 – AI 28/2014</a> – PI 61/2014 Data Protection Act 1998; The Freedom of Information Act 2000; Environmental Regulations 2004</p>
<p><b>Replaces the following documents which are hereby cancelled:</b> PSI 38/2014 Security Vetting – Reconsideration of Central Vetting Decisions by Exception</p>	
<p><b>Audit/monitoring:</b> NOMS Deputy Directors of Custody and Controllers will monitor compliance with the mandatory actions set out in this Instruction.</p> <p>The Director of NPS in England, The Director of NOMS in Wales and NOMS Director of Rehabilitation Services for CRCs will monitor compliance with the mandatory requirements in this instruction.</p> <p>NOMS contract management will hold providers to account for delivery of mandated instructions as required in the contract.</p>	
<p><b>Notes: <i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i></b></p>	

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## 1. EXECUTIVE SUMMARY

- 1.1. This policy instruction contains guidance and mandatory direction for public and private prison establishments, National Offender Management Service (NOMS) HQ Groups, National Probation Service (NPS), Community Rehabilitation Companies (CRC) who have opted into the continued use of SSCL vetting services and prisoner escort contractors. It outlines a structured appeal procedure for Governors/Directors, Senior Managers in NOMS HQ, Assistant Chief Officer grade or CRC Chief Executives, and escort contractors requesting reconsideration of a vetting decision made centrally by the Approvals and Compliance team (ACT) for applicants to NOMS. ACT is independent of SSCL and is made up of Operational NOMS staff. Such cases will be referred to the appropriate Deputy Director (DD) or their equivalents by the Governor/Director/Assistant Chief Officer grade or CRC Chief Executive. **This instruction does not apply to CRCs who have opted to use an alternative provider of vetting services from SSCL.**
- 1.2. Any such reconsideration cases will be by exception, as it is not expected that many applications will merit such an intervention by the Governor/Senior Manager across NOMS HQ, NPS Deputy Director or CRC Chief Executive. *Where the Governor/ Assistant Chief Officer grade or Chief Executive feels that despite an adverse vetting record, the individual offers specific or unique skills or experience to the prison, NPS division or CRC, a business case explaining the reason why must be forwarded, via the ACT, to the relevant Deputy Director (DD Contract Manager for CRCs) and equivalents for reconsideration.* This ensures that the ACT is able to provide the DD with all the relevant facts of the case and offence(s). *This policy is **not** a route for ex-offenders and offenders as mentors to request reconsideration of a vetting decision, which must be dealt with under the respective policy instructions [PSI 27/2014 – AI 20/2014](#) – PI 23/2014 - Security Vetting Additional Risk Criteria for Ex-Offenders Working in Prison and Community Settings and [PSI 39/2014 AI 26/2014](#) PI 55/2014 Offenders as Mentors*

### Background

- 1.3. The existing NOMS security vetting framework is managed centrally and handles all vetting applications (processed through SSCL) for both staff and not directly employed (NDE) workers. This affords consistency of approach and a central record so enabling cleared staff and workers to be deployed flexibly, dependant on their level of security vetting. Decisions on suitability to work are evaluated by a central team called the Approvals and Compliance team operated by a team of operational managers. Where an applicant is refused a reason is provided to the prison or business unit concerned.
- 1.4. In some circumstances the decision to refuse an applicant vetting has in the past been challenged by Governors and Directors. *Whilst these cases have been rare, it is felt that to ensure consistency of approach in future across the whole of NOMS such exceptional cases must be escalated through to the appropriate DD or equivalents.* This is intended to ensure that where a Governor/NPS Deputy Director/CRC Chief Executive wishes to appeal a central decision this is fully recorded with an associated evidentiary audit trail.

### Desired Outcomes

- 1.5. To outline a clear mediation process for challenges to central security vetting decisions by exception.
- 1.6. To ensure all parties are clear on the procedure for reconsideration and their responsibilities in the procedure.
- 1.7. Formalises the role of the Governors, NPS Deputy Directors, CRC Chief Executives and in the appeal process

- 1.8. To ensure all decisions escalated to Deputy Directors are recorded and all stakeholders are notified of the outcome with a clear audit trail retained.
- 1.9. To ensure clear accountability where a central vetting decision is overturned.

#### Application

- 1.10. All sections of the PSI are relevant to vetting undertaken through the NOMS central vetting process for public and private prison establishments, National Offender Management Service (NOMS) HQ Groups, National Probation Service (NPS), Community Rehabilitation Companies (CRC) who continue to use SSCL vetting services and prisoner escort contractors. It is expected its use will be most relevant in prison establishments. Reference to Governor applies equally to Directors of Contracted Prisons, Assistant Chief Officer grade and CRC Chief Executives. In other areas of the organisation an equivalent Senior Manager will be required to escalate such exceptional cases. All actions in this PSI/PI are mandatory unless specified otherwise.

#### Mandatory Actions

- 1.11. *Deputy Directors and Governors/NPS Deputy Directors and CRC Chief Executives must ensure that all relevant staff are aware of the mandatory actions required and that this policy is implemented and adhered to.*
- 1.12. *Governors/NPS Deputy Directors/CRC Chief Executives must ensure that where they request a formal reconsideration of a central vetting decision, it is supported by a business case setting out the appeal and sent to the Deputy Director via the Approvals and Compliance team who will provide the relevant factual details of the case to the Deputy Director.*
- 1.13. *Deputy Directors/NPS Deputy Directors must ensure that the decision on the vetting outcome is copied to both the Governor and/or equivalent as per paragraph 1.10 and the Approvals and Compliance team in order that an applicant's vetting record can be created or amended where relevant.*

#### Resource Implications

- 1.14. Minimal. We expect the number of cases challenged to be few.

(Approved for Publication)

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**Director of National Operational Services, NOMS**

## 2 Operational instructions

### Governance Principles

- 2.1 Any decision on the suitability of an applicant will be made by the Approvals and Compliance team (ACT) on the basis of a balanced evaluation of all information held on the individual, including an assessment of their integrity and the seriousness and nature of any offences committed.
- 2.2 If it is felt the reason made by the ACT for refusal is unclear or the Governor/ Assistant Chief Officer grade or CRC Chief Executive feel there is a compelling business case to merit the individual passing vetting, they can seek clarification from the ACT currently based in Newport.
- 2.3 A vetting refusal may be for a variety of reasons and each case is judged on its merits. *Where an applicant has previous criminal convictions, caution, reprimands or fixed penalties they must be declared in line with the new criminal record filtering provisions under the Police Act 1997 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended).* Further information is contained at [My Services](#). If an applicant fails to fully declare previous offences they will be refused vetting on integrity grounds. This is one of the most common reasons for vetting being refused and should be considered prior to any other action being taken.
- 2.4 *Governors/ Assistant Chief Officer grade or CRC Chief Executive must ensure that where they request a formal reconsideration of a central vetting decision, it is supported by a business case justifying the appeal and sent via the ACT to the respective DD (In the case of CRCs this will be the Deputy Director - Community Rehabilitation Services Contracts Management).*
- 2.5 *Deputy Directors must ensure that the decision on the vetting outcome is copied to both the Governor/NPS Manager/CRC Chief Executive and the ACT in order that an applicant's vetting record can be created or updated where relevant.*

### Overview of the Reconsideration Procedures

- 2.6 Shared Services will notify the unsuccessful outcome of a vetting application to the respective prison establishments, NPS division or CRC.
- 2.7 *In cases where Governors/NPS Deputy Director/CRC Chief Executive are unclear why an applicant has been refused and before reconsideration, they must contact the ACT, who will provide a full explanation of the reason they have been declined. The ACT mailbox is [recruitment-decisions@hmpr.gsi.gov.uk](mailto:recruitment-decisions@hmpr.gsi.gov.uk). The e-mail must be headed: Request for Clarification of Vetting Refusal.*
- 2.8 *If after seeking clarification the Governor/ Assistant Chief Officer grade or CRC Chief Executive still feels there is a compelling reason to ask for the applicant's case to be reviewed, a business case must be directed via the ACT using the template letter at [Annex A](#). They will append all known information on the individual to the respective Deputy Director. This ensures the Deputy Director is in full possession of the facts and the rationale for refusal in order that a balanced and informed decision can be made. Guidance notes on criminal convictions and cautions will also be provided. *The business case must outline why they consider the individual to be suitable for appointment and any specific or exceptional skills that will make their case worthy of reconsideration.* Governors/NPS Managers need to be clear that the individual has fully disclosed any information about their background as required by the security vetting process.*

- 2.9 *Deputy Directors must consider the business case and overall risk to the organisation, once they receive all relevant information on the individual from the ACT. These papers will include their rationale for refusal and background guidance on the type of offences that may be deemed to pose a security risk to the organisation or prevent appointment for legal reasons for example those on the barred lists for children and adults.*
- 2.10 *Once the Deputy Director has reached a final decision on the appeal they must write to the Governor using the template letter at [Annex B](#), providing their rationale. The Deputy Director must copy this letter to the ACT to enable them to update their records. A full audit trail must be retained by the Deputy Director of the decision making process in these cases.*
- 2.11 The Deputy Director's decision is final and binding, with no further route of appeal.

### **Reconsideration of Central Vetting Decisions Process**

<b>APPROVALS &amp; COMPLIANCE TEAM (ACT) REFUSE VETTING APPLICATION</b>
<b>DECISION NOTIFIED TO PRISON/NPS DIVISION?CRC</b>
<b>GOVERNOR AND EQUIVALENTS; ASSISTANT CHIEF OFFICER GRADE / OR CRC CHIEF EXECUTIVE SEEKS CLARITY ON REFUSAL FROM ACT</b>
<b>ON REVIEW GOVERNOR &amp; EQUIVALENTS/ ASSISTANT CHIEF OFFICER GRADE / CRC CHIEF EXECUTIVE DECIDES TO REQUEST A REVIEW OF THE DECISION, SUBMITTING BUSINESS CASE TO DD VIA ACT</b>
<b>ACT ASSEMBLE RELEVANT FACTS ON CASE AND ON OFFENCES AND APPEND TO APPEAL AND FORWARD TO DD.</b>
<b>DD RECONSIDERS THE ORIGINAL ACT DECISION, ASSESSING THE BUSINESS CASE AND FULL FACTS OF ORIGINAL REFUSAL</b>
<b>DD REACHES A DECISION</b>
<b>DD NOTIFIES GOVERNOR/ ASSISTANT CHIEF OFFICER GRADE / CRC CHIEF EXECUTIVE OF DECISION, CC-ING ACT SO RECORDS ARE UPDATED</b>
<b>THE DD OFFICE RETAIN A FULL RECORD OF THE DECISION MAKING PROCESS IN ORDER THAT AN EVIDENTIARY AUDIT TRAIL IS RETAINED</b>

**Model Letter 1 - Notification of Request for Reconsideration of Security Vetting Decision to the Approvals and Compliance team**

**OFFICIAL SENSITIVE WHEN COMPLETE**

**To:** Head of Approvals and Compliance Team [recruitment-decisions@hmpr.gsi.gov.uk](mailto:recruitment-decisions@hmpr.gsi.gov.uk)

**From:** [Name and address of Governor/NPS Deputy Director/CRC Chief Executive]

**Name of Applicant**

**National Insurance No.**

**NOMS Location Proposed**

**[Date]**

**Dear Sir/Madam**

I have received your recent decision not to approve security vetting for [insert name]. Having reviewed the case again I consider the case to be exceptional and wish the case to be submitted on appeal to my Deputy Director to reconsider your decision. I enclose the supporting business case explaining why I consider the engagement of the individual to be beneficial to the prison/business unit and the organisation.

I would be grateful if you can forward this to Deputy Director [INSERT NAME]

**[Signed Governor/ Assistant Chief Officer grade/ CRC Chief Executive]**

**cc Deputy Director**

**Model Letter 2 - Decision of the Deputy Director on Reconsideration of Security Vetting Application**

**OFFICIAL SENSITIVE WHEN COMPLETE**

To **[Name and address of the Governor/ Assistant Chief Officer/ NPS Deputy Director/CRC Chief Executive who submitted the appeal]**

**Name of Applicant**

**National Insurance No**

**[Date]**

**Dear [Name of Governor/ Assistant Chief Officer/ CRC Chief Executive]**

I have now considered all the facts of your appeal in relation to [insert name] based upon the body of evidence submitted within your supporting business case and discussion with the Approvals and Compliance team.

[Choose one of the options below, deleting as appropriate]

- i) I have come to the conclusion that the decision to refuse the applicant should stand and they should not be allowed access to the prison, NPS Division or CRC (delete as appropriate).
- ii) I have come to the conclusion that the decision to refuse the vetting application can exceptionally be overruled.

[Either decision]

In reaching my decision I have considered all the facts available including [List all documentary evidence].

This decision is final and is based on a balanced consideration of all the evidence. No further reconsideration will be accepted. Please notify XXX of the decision.

**[Name/s]**

**[Deputy Director]**

cc : Approvals and Compliance team at [recruitment-decisions@hmps.gsi.gov.uk](mailto:recruitment-decisions@hmps.gsi.gov.uk)