

Model declaration form A for positions which are exempt (revised April 2016)

MODEL DECLARATION FORM: A

Guidance for applicants – in confidence

The position you have applied for is identified as exempt under the Exceptions Order of the Rehabilitation of Offenders Act 1974 (as amended in England and Wales).

This means that when considering any such appointment, the employing organisation is legally permitted to request a standard or enhanced disclosure through the Disclosure and Barring Service (known as a DBS check).

Standard and enhanced disclosures will include information about all SPENT (old) and UNSPENT (current) convictions, cautions, reprimands and final warnings that are not protected (i.e. are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

Enhanced disclosures may also include other relevant police information where this is deemed relevant to the position you are applying for.

Before you complete this form, it is important to understand which convictions or cautions are now protected (or filtered) under an amendment to the Exceptions Order to the Rehabilitation of Offenders Act (as amended in England and Wales) which came into force from 29 May 2013.

Protected convictions and cautions will never be included in a standard or enhanced DBS disclosure. Applicants are not legally required to declare any such convictions or cautions to an employer, and the employing organisation is not entitled to consider any such offences as part of their recruitment process.

If you have a criminal record and have any queries or concerns about the type of information you may be asked to declare, please refer to the following sources for further guidance.

- [Support for people with convictions](#) - Unlock
- [Support for individuals who have a criminal record](#) – jobs and volunteering – NACRO
- [The simple guide to filtering](#) – Unlock
- [Practical guidance on the DBS filtering rules](#) - NACRO

Our commitment to you

Before you can be considered for appointment with **Barts Health** we need to be satisfied about your character and suitability.

If the position has, in addition, been identified as a regulated activity under the Safeguarding Vulnerable

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Groups Act (2006) (as amended by the Protection of Freedoms Act 2012) an enhanced DBS disclosure will include information which is held on the Children's and/or Adults barred list(s), as applicable to the position.

Barts Health aims to promote equality of opportunity and is committed to treating all applicants for positions fairly and on merit regardless of ethnicity, disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership. We undertake not to discriminate unfairly against applicants on the basis of criminal conviction or other such information declared.

Prior to making a final decision concerning your application, we shall discuss with you any information declared by you that we believe may have a bearing on your suitability for the position.

If we do not raise this information with you, this is because we do not believe that it should be taken into account. In that event you still remain free, should you wish, to discuss the matter with the recruiting manager. As part of assessing your application, we will only take into account criminal records and other information declared which is relevant to the position being applied for.

The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.

Please answer all of the questions within this form.

If you answer 'YES' to any of the questions, please use the space indicated to provide any information that you believe may have a bearing on your suitability for the position for which you are applying.

Please use the continuation sheet provided in this form to include any additional information or supplementary comments you wish us to consider in support of your application. You may continue on a separate sheet if necessary.

It is important to stress that answering 'yes' to any of the questions below will not necessarily prevent you from taking up an appointment in the NHS. This will depend on the relevance of the information you provide in respect of the nature of the position for which you are applying, and the particular circumstances.

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All cases will be examined on a case by case basis, and will consider the following.

- If the conviction is relevant to the position applied for.
- The seriousness of the offence.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- If the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s) and the explanation(s) offered by the applicant.
- If the applicant's circumstances have changed since the offending behaviour.

It is important to be aware, that the failure to disclose all unspent and unspent convictions which you are legally obliged to declare (i.e. those that are not protected under the DBS filtering rules), could result in disciplinary proceedings or dismissal.

If you have a criminal record and have any queries or concerns about the type of information you may be asked to declare, please refer to the following sources for further guidance.

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- [Support for individuals who have a criminal record](#) – NACRO

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Please tick 'YES' or 'NO' to each of the questions, providing additional information, where necessary, as indicated in the sections below.

1. Are you currently bound over, or do you have any convictions, cautions, reprimands or final warnings that would <u>not be</u> protected (filtered) as defined by the Exceptions Order 2013 - that have been issued by a Court or Court-Martial in the United Kingdom or in any other country?	Yes	No
<p>If YES, please provide details of the order binding you over and/or the nature of the offence, penalty, sentence or order of the Court, the date and place of the Court hearing.</p> <p>It is important for you to understand which convictions or cautions are now protected (or filtered) under an amendment to the Exceptions Order to the Rehabilitation of Offenders Act (as amended in England and Wales) which came into force from 29 May 2013 – see further information in the 'guidance for applicants' which accompanied this form.</p> <p>You <u>are not</u> required to tell us about parking offences.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
2. Have you been charged with any offence in the United Kingdom or in any other country that has not yet been disposed of?	Yes	No
<p>If YES, please include details of the nature of the offence with which you are charged, date on which you were charged, and details of any on-going proceedings by a prosecuting body.</p> <p>You are reminded that, if you are appointed, you have a continued responsibility to inform us immediately where you are charged with <u>any new</u> offence, criminal conviction or fitness to practise proceedings in the United Kingdom or in any other country that might arise in the future, while you are in our employment.</p> <p>You <u>are not</u> required to tell us about parking offences.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
3. Are you aware of any current investigations being undertaken by NHS Counter Fraud and Security Management Service (NHS CFSMS) following allegations of made against you?	Yes	No
<p>If YES, please provide details of the nature of the allegations made against you, and if known to you, any action to be taken against you by NHS CFSMS.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
4. Have you been investigated by the Police, the NHS Counter Fraud and Security Management Service (NHS CFSMS), or any other investigatory body resulting in a current or past conviction or dismissal from your employment or volunteering position?	Yes	No
<p>If YES, please provide details of the nature of the allegations made against you, and if known to you, any action to be taken against you by the investigatory body.</p> <p>Investigatory bodies include: HM Customs and Excise, Inland Revenue, Financial Service Authority,</p>		

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<p>Department of Trade and Industry, Department of Work and Pensions, immigration and border force, security agencies, local authorities etc. This list is not exhaustive and you must declare any investigation conducted by an investigatory body.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
<p>5. Have you ever been dismissed by reason of misconduct from any employment, volunteering, office or other position previously held by you?</p>	<p>Yes</p>	<p>No</p>
<p>If YES, please provide details of the employment, office or position held, the date that you were dismissed and the nature of allegations of misconduct made against you.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
<p>6. Have you ever been removed from the register or have conditions or undertakings been made on your registration by a fitness to practice committee, regulatory or licensing body in the United Kingdom or in any other country?</p>	<p>Yes</p>	<p>No</p>
<p>If YES, please provide details of any conditions or undertakings which have been applied to your professional registration and the name and address of the regulatory or licensing body concerned.</p> <p>You <u>are not</u> required to provide details where any right to appeal has been upheld AND where that appeal has resulted in your case being fully exonerated.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
<p>7. Are you currently subject to a fitness to practice investigation and/or proceedings by a regulatory or licensing in the United Kingdom or in any other country?</p>	<p>Yes</p>	<p>No</p>
<p>If YES, please include the reasons given for the investigation and, where applicable, the details of any proceedings, limitations or restrictions that currently apply to your professional registration, and the name and address of the regulatory or licensing body concerned.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
<p>8. Are you subject to any other prohibition, limitation, or restriction that means we are unable to consider you for the position for which you are applying?</p>	<p>Yes</p>	<p>No</p>
<p>If YES, please include details.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		
<p>9. Are there any other matters in your background that may be relevant to the position being applied for, which might cause your reliability or suitability to be called into question?</p>	<p>Yes</p>	<p>No</p>
<p>If YES, please include details.</p> <p>It is important for you to understand which convictions or cautions are now protected (or filtered) under an amendment to the Exceptions Order to the Rehabilitation of Offenders Act (as amended in England and Wales] which came into force from 29 May 2013 – see further information in the ‘guidance for applicants’ which accompanied this form.</p> <p>Please include any additional information, or other supplementary comments that you believe to be relevant.</p>		

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Continuation sheet

If you have answered **'YES'** to any of the questions above, please use this space to provide any additional information or supplementary comments you wish us to consider as part of your application. You may continue on a separate sheet if necessary.

Please indicate the number of the question to which the information relates.

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<p>Declaration</p> <p>IMPORTANT</p> <p>The Data Protection Act 1998 requires us to advise you that we will be processing your personal data. Processing includes: holding, obtaining, recording, using, sharing and deleting information. The Act defines 'sensitive personal data' as racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life, criminal offences, criminal convictions, criminal proceedings, disposal or sentence.</p> <p>The information that you provide in this declaration form will be processed in accordance with the Data Protection Act 1998. It will be used for the purpose of determining your application for this position. It will also be used for purposes of enquiries in relation to the prevention and detection of fraud.</p> <p>Once a decision has been made concerning your appointment, Barts Health will not retain this declaration form any longer than is necessary - see further details in the supplementary guidance notes for applicants which we provided with your application form. This declaration will be kept securely and in confidence. Access to this information will be restricted to designated persons within the organisation who are authorised to view it as a necessary part of their work.</p> <p>In signing the declaration on this form, you are explicitly consenting for the data you provide to be processed in the manner described above.</p>

I confirm that the information that I have provided in this declaration form is correct and complete. I understand and accept that if I knowingly withhold information, or provide false or misleading information, this may result in my application being rejected, or if I am appointed, in my dismissal, and I may be liable to prosecution.

Please sign and date this form.

SIGNATURE

NAME (in block capitals)

DATE