

## MODEL DECLARATION FORM B

### Guidance for applicants (please read fully before completing the attached form)

When assessing your suitability for NHS appointments **East Lancashire Hospitals NHS Trust** is required to ask for certain information as part of our recruitment process, in accordance with the [NHS Employment Check Standards](#).

These standards outline a range of checks that organisations in England must undertake when appointing to NHS positions. This includes information about criminal records and/or registration with any professional regulatory or licensing body (including investigations or formal action in relation to fitness to practise) as may be applicable to the role. It also includes obtaining employment history and/or other references which may provide information about any relevant conduct and/or behaviour that might need to be considered as part of our overall assessment of an applicant's suitability for the position in question.

Asking applicants to complete a self-declaration enables us to have an open discussion, should we need to, to gain a better understanding about the circumstances surrounding any information disclosed. It also provides applicants with the chance to present any additional evidence they may wish us to consider in support of their application, and/or to ask questions, if anything is unclear. Should additional information be required, we will contact you to arrange a mutually convenient time to have a face to face meeting or discussion over the telephone.

Under normal circumstances, we will only ask *successful* applicants to complete model declaration form B once a conditional offer of appointment has been issued. We may require applicants to complete this form earlier in the recruitment process, where there is a safeguarding requirement for us to recruit quickly (for instance to allow us to mitigate risks to patient services or care). Any requirements for you to complete this form earlier in the recruitment process will have been made clear to you when you first applied for this position.

Once we have received your completed form, we may be required to carry out a follow-up check with any relevant bodies such as the Disclosure and Barring Service (DBS), professional regulatory or licensing bodies, as may be appropriate to the role being applied for as outlined in the NHS Employment Check Standards.

#### IMPORTANT INFORMATION

The role you have applied for is covered by the Rehabilitation of Offenders Act 1974. These positions are sometimes called "non-exempt" positions. This means that we can only ask applicants about unspent convictions and cautions and may obtain a basic disclosure through the Disclosure and Barring Service as a means of verifying this information. Eligibility for a basic disclosure is outlined in the NHS Employment Check Standards. It also means that you need to carefully consider the type of information you will need to declare when answering questions 1-4 in Model declaration form B (attached).

**Before completing questions 1-4** you must ensure you read and understand the section about [disclosing information about criminal record history](#) below, which explains what information is required and signposts you to where you can seek free confidential and independent advice, if you are unsure.

### Fair recruitment promise

It is important for us to stipulate that answering YES to any of the questions in the attached form does not mean an automatic bar to being considered for a position in the NHS.

**East Lancashire Hospitals NHS Trust** is committed to treating all applicants equally and fairly based on their skills, experience and ability to fulfil the duties of the role being applied for. This is regardless of ethnicity,

disability, age, gender or gender re-assignment, religion or belief, sexual orientation, pregnancy or maternity, marriage or civil partnership.

Suitable applicants will not be refused positions because of criminal record information or other information declared, where it has no bearing on the role for which you are applying, and/or no risks have been identified against the duties you would be expected to perform as part of this role.

Failure to provide accurate and truthful information is considered a serious matter. If, as part of our checking process, it becomes apparent that an applicant has provided us with inaccurate information or they have not provided relevant information, we will need to discuss this with them to establish why. Any finding of serious misdirection or deliberate intent to deceive will result in their application being disqualified or disciplinary action and/or dismissal, if they are already in post.

If you have any questions or would like further advice about what information we might require as part of our recruitment process, please feel free to contact the Recruitment Team on 01254 732075. All queries will be dealt with in strict confidence.

## Disclosing criminal record information

When completing questions 1-4 in Model declaration form B (attached), you will need to declare all **unspent** criminal convictions and cautions as outlined in the Rehabilitation of Offenders Act 1974.

In April 2013, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) introduced conditional cautions and youth conditional cautions to replace reprimands and final warnings. When completing this form, you are required to declare any such information if it remains **unspent**. This also includes any unspent cautions that may have been issued in any other country, where it would be considered an equivalent offence in England and Wales.

When applying for a role which has been identified as eligible for a basic disclosure only, you **are not** legally required to provide any information about criminal convictions or cautions that have become spent. Certain criminal offences can be regarded as spent after a specified rehabilitation period as outlined by the Rehabilitation of Offenders Act 1974. Once this rehabilitation period has elapsed, you do not need to declare this information when applying to work or volunteer in any role covered by the Rehabilitation of Offenders Act in an NHS organisation, nor will this information be disclosed as part of any subsequent request for a **basic disclosure** through the Disclosure and Barring Service (known as a DBS check).

Any criminal record information will be considered on a case-by-case basis. We will only take into account information that is relevant to the position for which you are applying (i.e. where potential risks have been identified against the duties and/or responsibilities of the role). This information will be balanced against the skills and competencies you have demonstrated throughout the recruitment process alongside other information we have obtained about you as part of our pre-employment check process.

If you declare information that is relevant to the role for which you are applying, we will also take into account:

- the seriousness of the offence(s)
- your age when you committed the offence(s)
- the length of time since the offence(s) occurred
- if there is a repeated or pattern of offending behaviour
- the circumstances surrounding the offence(s)
- any evidence you provide to demonstrate that your circumstances have changed since the offending behaviour.

This mirrors the requirements in the Code of Practice issued by the Disclosure and Barring Service (DBS). Although the Code outlines what needs to be considered when criminal record information is disclosed as part of the DBS check, the NHS Employment Check Standards require employers to take the same approach when considering criminal record information that might be self-declared by applicants using **Model Declaration Form B** (attached).

We appreciate that the criminal records disclosure regime is complex and difficult to understand, it is therefore essential for us to signpost applicants to where they can seek further information and advice about what may be included on their criminal record (if they have one), what they need to declare to any organisation they may be working or volunteering with, and, their legal rights when doing so.

The following charities are experts in this field, offering free, independent and confidential advice to individuals who have a criminal record:

- [Nacro](#) – Tel: 0300 123 1999, or email: [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk)
- [Unlock](#) – Tel: 01634 247350 (Mon-Fri 10am – 4pm), Text or WhatsApp: 07824 113848, email [advice@unlock.org.uk](mailto:advice@unlock.org.uk) or complete the [online form on the Unlock website](#). Unlock also have a useful [calculator](#) which can be used to help you to identify any unspent offences that you are required to declare when completing the attached form.

## How will my information be used?

The information you provide using model declaration form B (attached) will be used for determining your suitability for the position you have applied for, and in accordance with the NHS Employment Check Standards. It will also be used for enquiries in relation to the prevention and detection of fraud.

Under the Data Protection Act 2018 and the General Data Protection Regulation 2018 (GDPR) organisations must provide you with detailed information which explains why certain information is required as part of the recruitment process, the lawful basis for collecting it, how it will be processed, and with whom information will be shared and under what circumstances. **Please ensure that you read the supplementary guidance we provided when you first applied for this role** as this explains how we may process your data and your rights under data protection laws.

## How will information be retained and how long for?

Once a recruitment (or other relevant) decision has been made, we will not keep any information declared in model declaration form B for any longer than is necessary. As a minimum this should be for a period of six months to allow for considerations and resolution of any disputes or complaints. There may be circumstances where we are required to retain information for longer i.e. for the purpose of demonstrating safe recruitment practice as part of any scheduled safeguarding audits.

Information will be held in accordance with the Data Protection Act, General Data Protection Regulation (GDPR) and the Human Rights Act. The form and any supplementary information provided by applicants with this form will be kept securely and separately from any personnel records, and, access will be strictly limited to those who are entitled to see it as part of their duties, as outlined within our local policy on the correct handling and safekeeping of special categories of personal data.

Once the retention period has elapsed, we will ensure that any information provided is destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, the secure handling of information, as outlined above, will be adhered to. While the form and any supplementary information applicant's chose to provide will be destroyed, we will need to keep a record of the date of when a self-declaration was requested/received, the position for which the self-declaration was requested, and the details of the recruitment decision taken.

## MODEL DECLARATION FORM B

Please complete and return the form only to: **Work Based Education Team ELHT.**

**Before completing this form, it is important for you to note the following points.**

1. You must answer all the questions in this form.
2. Before ticking “yes” or “no” please ensure you read the explanatory notes underneath each question. These notes outline what information you should consider providing to support your answer.
3. If you answer “yes” to any of the questions, please use the space provided to include any information that might be relevant to the position for which you are applying.
4. If you would like to submit any additional supplementary evidence for us to consider in support of your application, please attach or upload this with the form when you return it to us.
5. When answering questions 1-4 you are not required to disclose information about parking offences.
6. You should notify us, at the earliest opportunity, if any information provided in this form should subsequently change **after** you have submitted it to us and **before** you take up your appointment.

<b>Applicant details</b>				
Full name (in block capitals)		Contact details		
Role applied for				
<b>1. Do you have any UNSPENT convictions as outlined in the Rehabilitation of Offenders Act 1974?</b>  This includes any unspent convictions that may have been issued in any other country, where it would be an equivalent offence in England and Wales.  It also includes all unspent convictions or Summary Hearings that have been issued under military law while serving in the Armed Forces in the UK or any other country, where it would be an equivalent offence in England and Wales.  You <b>are not</b> required to disclose any information in relation to convictions that have become SPENT. In these circumstances you should tick NO to this question.  <b>Please ensure you read guidance in the section on <a href="#">disclosing criminal history information</a> before completing this question.</b>  If you have ticked YES, you now have two options on how to disclose this information.			Yes	No
<b>Option 1:</b> Please provide details of the conviction or Summary Hearing including the date and sentence administered in the space below.				
<b>Option 2:</b> You can disclose your record separately together with any statement detailing your unspent conviction, or Summary Hearing. Any supplementary information should be marked CONFIDENTIAL and state your full name and details of the position being applied for.  To do this you must mark an “X” against the statement below.  I have attached details of my conviction separately ..... <b>(please mark with an “X”)</b>				

**2. Do you have any UNSPENT cautions, reprimands or final warnings as outlined in the Rehabilitation of Offenders Act 1974?**

This includes any unspent cautions, reprimands or final warnings that may have been issued in any other country, where it would be an equivalent offence in England and Wales.

It also includes all unspent cautions that have been issued under military law while serving in the Armed Forces in the UK or any other country, where it would be an equivalent offence in England and Wales.

You **are not** required to disclose any information in relation to cautions, reprimands or final warnings that have become SPENT. In these circumstances you should tick NO to this question.

**Please ensure you read guidance in the section on [disclosing criminal history information](#) before completing this question.**

If you have ticked YES, you now have two options on how to disclose this information.

**Option 1:** Please provide details of the cautions, reprimands or final warnings including the date and sentence administered in the space below.

**Option 2:** You can disclose your record separately together with any statement detailing your unspent cautions or reprimands, final warnings. Any supplementary information should be marked CONFIDENTIAL and state your full name and details of the position being applied for.

To do this you must mark an "X" against the statement below.

I have attached details of my conviction separately ..... **(please mark with an "X")**

**3. Have you been formally charged with any other offence which has not yet been disposed of?**

Yes	No
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This includes where you have been formally charged of any offence that has been issued in any other country which has not yet been disposed of.

Please note that you must inform us immediately if you are formally charged with any offence **after** you complete this form and **before** taking up any position offered to you.

If you have ticked YES, please provide details of the nature of the offence with which you have been formally charged, date on which you were charged, and details of any on-going proceedings, if any, by a prosecuting body.

You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.

<p><b>4. Are you currently subject to any criminal investigations and any pending prosecutions by the police which may have a bearing on your suitability for this post?</b></p> <p>This may include any current criminal investigations or pending prosecution by the police in any other country.</p>	Yes	No
<p>If you have ticked 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 police.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		
<p><b>5. Have you ever been subject to any action being taken against you by the NHS Counter Fraud Authority (formerly NHS Counter Fraud and Security Management Services) or any other investigatory body in relation to allegations of fraud which may have a bearing on your suitability for this post?</b></p> <p>Any other investigatory bodies may include: HM Revenue &amp; Customs, Financial Services Authority, Department for Business, Energy and Industrial Strategy (formerly the Department of Trade &amp; Industry), Local Authorities, Department of Work and Pensions, Home Office, and UK Visas and Immigration.</p> <p>This list is not exhaustive and should be taken as a guide only. You must declare any action taken against you by an investigatory body, following allegations of fraud.</p>	Yes	No
<p>If you have ticked YES, please provide details of the offence, formal action taken, dates and investigatory or prosecuting body, as may be relevant.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		
<p><b>6. Have you ever been dismissed for misconduct from any employment, volunteering, office, or other position previously held by you, in circumstances which may have a bearing on your suitability for this post?</b></p>	Yes	No
<p>If you have ticked YES, please provide details of the employment, volunteering, office, or other position held, the date that you were dismissed and the nature of allegations of misconduct made against you.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		

<p><b>7. Are you currently subject to a fitness to practise investigation and/or proceedings of any nature by a regulatory or licensing body which may have a bearing on your suitability for the position you are applying for?</b></p> <p>This may include any fitness to practise investigation and/or proceedings of any nature that are being undertaken by a regulatory or licensing body in any other country.</p>	Yes	No
<p>If you have ticked YES, please provide the reasons given for the investigation and, where applicable, the details of any warnings, conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your professional registration and, the name and address of the regulatory or licensing body concerned.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		
<p><b>8. Have you ever been removed from the register, or have conditions or sanctions been placed on your registration, or have you been issued with a warning by a regulatory or licensing body in the UK or in any other country?</b></p> <p>You are not required to disclose any information in relation to the above where any right to appeal has been upheld and where that appeal has resulted in your case being fully exonerated. In these circumstances you should tick <b>NO</b> to this question.</p>	Yes	No
<p>If you have ticked YES, please provide details of any conditions or sanctions (including limitations, suspension or any other restrictions) that apply to your registration and/or any warnings issued, where relevant, and the name and address of the regulatory or licensing body concerned.</p> <p>You may use the continuation sheet attached if necessary – please indicate which question information relates to, if doing so.</p>		
<p><b>Declaration</b></p>		
<p style="text-align: center;"><b>IMPORTANT INFORMATION</b></p> <p>The Data Protection Act 2018 and General Data Protection Regulation 2018 (GDPR) requires us to provide you with detailed information which explains the lawful basis for collecting special categories of personal data (previously known as sensitive personal data), how it will be processed, who information will be shared with and under what circumstances.</p> <p>The General Data Protection Regulation defines special categories of personal data as racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. It also includes data relating to criminal convictions, criminal offences or related security measures. It is important that you read the supplementary guidance we provided at the time of your application, which explains our policy on the retention and erasure of any such information in greater detail. This information also outlines your rights under the data protection and human rights laws.</p>		

The information you provide using model declaration form B will be processed in accordance with data protection law, as described above. It will be used for the purpose of determining your suitability for the position you have applied for, in accordance with the NHS Employment Check Standards. It will also be used for enquiries in relation to the prevention and detection of fraud.

Once a recruitment (or other relevant) decision has been made **[insert organisation name]** will not keep any information declared in this form for any longer than is necessary. As a minimum this will be for a period of six months to allow for considerations and resolution of any disputes or complaints. There may be circumstances where we are required to retain information for longer i.e. for the purpose of demonstrating safe recruitment practice as part of any scheduled safeguarding audits.

The form and any supplementary information provided by applicants with this form, will be kept securely and separately from any personnel records and access will be strictly limited to those who are entitled to see it as part of their duties, as outlined within our local policy on the correct handling and safekeeping of special categories of personal data.

Once the retention period has elapsed, we will ensure that any information provided is destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, the secure handling of information, as outlined above, will be adhered to.

While the form and any supplementary information applicant's chose to provide will be destroyed, a record will be retained of the date of when a self-declaration was requested/received, the position for which the self-declaration was requested, and the details of the recruitment decision taken.

**Please sign and date this form as indicated below**

If you need any assistance or advice before returning this form to us, or you wish to withdraw your consent at any time after you have submitted this form, please contact **[insert contact details]**.

All enquiries will be treated in strict confidence.

In signing this form, you are agreeing to the following statements:

1. I confirm that I have read and understood guidance provided to me which explains how my data will be processed and give my consent for enquiries to be made, as outlined.
2. I declare that the information I have provided in this form and in any accompanying documentation, is true to the best of my knowledge and belief.
3. I understand and accept that if I knowingly withhold relevant information or provide false or misleading information, this may result in my application being rejected; or, if I am appointed, my dismissal; and, where applicable, this may result in the employing organisation making a referral to any relevant regulatory or licensing body.
4. I agree to notify the employing organisation of any subsequent change to the information supplied in this form before I take up appointment.

Full name (in block capitals)		Signature	
Date			

## Continuation sheet

**Full name:**

**Position applied for:**

If you have ticked YES to any of the questions above, please use the space below to provide any additional information you may wish us to consider in support of your application.

Please clearly indicate the number of the question to which the information relates. You can continue on a separate sheet or attach other pieces of evidence to this form, if you wish to do so.