

When to seek a self-declaration

Employers should ensure that processes do not unnecessarily prevent or restrict individuals who may have made past mistakes but who are perfectly safe and meet all the relevant criteria for the role being advertised.

Under normal circumstances, employers should only require shortlisted applicants to complete a self-declaration using model declaration form A or B. Any requirement for individuals to complete one of these forms earlier in the recruitment process should be limited to where there is a safeguarding need. For example, where it is considered essential to recruit quickly in order to maintain safe levels of service or patient care. It will be important for you to make any such requirements clear to individuals when they first apply for the role.

In all cases, information obtained using model declaration forms A or B must be processed in line with the Data Protection Act 2018 and the General Data Protection Regulation 2018 (GDPR). Further information about compliance with the Data Protection Act and GDPR can be found on the Information Commissioner Office's website.

Internal recruitment

Under normal circumstances, there are no requirements for employers to ask existing members of staff or volunteers to complete a new declaration where they are changing roles and the new position is the same or similar to their current role. Any ongoing assessment of an individual's continued suitability should be based on what information has already been gained about them while working or volunteering within the organisation.

In such circumstances you may, in addition, wish to remind directly paid staff of their ongoing contractual duty to alert you to any changes to their registration with a professional body, fitness to practise and criminal record history and ask them to sign a short statement confirming that their circumstances have not changed since they were first appointed.